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THE

Chas. W. Larkin

# LAWS OF WISCONSIN,

TOGETHER WITH THE

## JOINT RESOLUTIONS AND MEMORIALS,

PASSED AT THE

THIRTIETH ANNNAL SESSION OF THE WISCONSIN LEGISLATURE,

IN THE YEAR 1877.

*BY AUTHORITY.*

MADISON, WIS.:
DAVID ATWOOD, PRINTER AND STEREOTYPER.
1877.

[redacted] 1967

# LIST OF MEMBERS AND OFFICERS.

"Section 1. * * * There shall be prefixed to each volume of the laws hereafter published, the names and residences of the several state officers, the senators and members of the assembly, and the presiding officers and clerks of both branches of the legislature, at the time of the passage of such laws." — *General Laws of* 1854, *Chapter* 94.

## NAMES AND RESIDENCES

OF THE STATE OFFICERS, SENATORS, MEMBERS OF THE ASSEMBLY, PRESIDING OFFICERS AND CLERKS OF BOTH BRANCHES OF THE LEGISLATURE, IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

| Name. | Office. | Residence. | |
|---|---|---|---|
| | | Post Office. | County. |
| Harrison Ludington. | Governor | Milwaukee | Milwaukee. |
| Charles D. Parker | Lt. Governor | Pleasant Valley | St. Croix. |
| Peter Doyle | Secretary of State | Prairie du Chien. | Crawford. |
| Ferdinand Kuehn | State Treasurer | Milwaukee | Milwaukee. |
| A Scott Sloan | Attorney-General | Beaver Dam | Dodge. |
| Edward Searing | State Super'tendent. | Milton | Rock. |
| *Dist.* | | | |
| 7 Abert, Geo. A. | Senator | Milwaukee | Milwaukee. |
| 29 Arnold, A'ex. A. | do | Galesville | Trempealeau. |
| 27 Barden, Levi W. | do | Portage | Columbia. |
| 10 Blair, William | do | Waukesha | Waukesha. |
| 3 Bones, Thos. A. | do | Racine | Racine. |
| 25 Burrows, Geo. B. | do | Madison | Dane. |
| 20 Cavanagh, Dan'l. | do | Osceola | Fond du Lac. |
| 26 Davis, R. E. | do | Middleton | Dane. |
| 32 Douglas, Mark | do | Melrose | Jackson. |
| 28 Downs, Dan'l L. | do | Richland Center. | Richland. |
| 8 Farr, Asahel | do | Kenosha | Kenosha. |
| 24 Fifield, Sam. S. | do | Ashland | Ashland. |
| 30 Flint, Rockwell J. | do | Menomonie | Dunn. |
| 1 Grimmer, George | do | Kewaunee | Kewaunee. |
| 16 Hathaway, O. C. | do | Beetown | Grant. |
| 18 Hiner, Wm. H. | do | Fond du Lac | Fond du Lac |
| 2 Hudd, Thos. R. | do | Green Bay | Brown. |
| 6 Mitchell, John L. | do | Milwaukee | Milwaukee. |
| 21 Mumbrue, H. C. | do | Waupaca | Waupaca. |

| Name. | Office. | Residence. | |
|---|---|---|---|
| | | Postoffice. | County. |
| *Dist.* | | | |
| 15 Rankin, Joseph | Senator | Manitowoc | Manitowoc. |
| 23 Reed, Wm. W | do | Jefferson | Jefferson. |
| 17 Richardson, H | do | Janesville | Rock. |
| 22 Ryan, James | do | Appeton | Outagamie. |
| 9 Sacket, Hobart, S | do | Berlin | Green Lake. |
| 33 Schneider, Philip | do | Barton | Washington. |
| 11 Scott, Thomas B | do | Grand Rapids | Wood. |
| 4 Tate, J. Henry | do | Viroqua | Vernon. |
| 12 Treat, Joseph B | do | Monroe | Green. |
| 19 Torrey, Return D | do | Oshkosh | Winnebago. |
| 5 Van Schaick, I. W | do | Milwaukee | Milwaukee. |
| 14 Welch, David E | do | Baraboo | Sauk. |
| 13 Williams, C. H | do | Fox Lake | Dodge. |
| 31 Wing, Merrick P | do | La Crosse | La Crosse. |
| Abell, Alfred H | Member of Assembly | Geneva | Walworth. |
| Anderson, Andrew J | do | Argyle | La Fayette. |
| Arnolds, Aloysius | do | New Coeln | Milwaukee. |
| Arnott, William L | do | Plover | Portage. |
| Bailey, Elihu | do | Mill Creek | Richland. |
| Baldwin, Asa L | do | Baldwin's Mills | Waupaca. |
| Baldwin, Phineas | do | Oregon | Dane. |
| Black, Samuel | do | Menomonee | Dunn. |
| Blakeslee, Chauncey | do | Sparta | Monroe. |
| Bock, Joseph | do | Lancaster | Grant. |
| Brooks, Walcott T | do | Waupun | Fond du Lac. |
| Brost, Lambert | do | Hinesberg | Fond du Lac. |
| Burnett, Ellsworth | do | River Falls | Pierce. |
| Carmichael, Thomas | do | Eau Claire | Eau Claire. |
| Carter, Benj. F | do | Sherwood | Calumet. |
| Carter, William E | do | Platteville | Grant. |
| Cash, W. H. H | do | New Lisbon | Juneau. |
| Cassoday, J. B., Sp'k'r | do | Janesville | Rock. |
| Crockett, Samuel | do | Westfield | Marquette. |
| Dailey, Guy W | do | Hudson | St. Croix. |
| Dale, Peter J | do | Coon Prairie | Vernon. |
| Dorwin, Vivus W | do | Durand | Pepin. |
| Deland, Ambrose D | do | Sheboygan Falls | Sheboygan. |
| Dixon, Hannibal S | do | New London | Waupaca. |
| Dousman, H. F | do | Waterville | Waukesha. |
| Doxtader, Henry | do | Tomah | Monroe. |
| Earnest, James H | do | Shullsburg | La Fayette. |
| Field, Norton J | do | Racine | Racine. |
| Fink, Henry | do | Milwaukee | Milwaukee. |
| Fisk, Harmon J | do | Fall River | Columbia. |
| Fisk, William J | do | Ft. Howard | Brown. |
| Fitzgerald, Frank | do | Hartford | Washington. |
| Flanders, James G | do | Milwaukee | Milwaukee. |
| Flinn, Hezekiah | do | Watertown | Jefferson. |
| Gœtze, Gustav | do | Ozaukee | Ozaukee. |
| Gray, John | do | Mineral Point | Iowa. |
| Greening, William | do | Little Prairie | Walworth. |
| Grover, Woodbury S | do | Prairie Farm | Barron. |
| Hamilton, Joseph | do | Milwaukee | Milwaukee. |
| Hammel, David | do | Appleton | Outagamie. |
| Herron, Wilson R | do | Sharon | Walworth. |
| Hubbard, Samuel D | do | Orion | Sheboygan. |

| Name. | Office. | Residence. | |
|---|---|---|---|
| | | Postoffice. | County. |
| Hulburt, David B... | Member of Assembly | Loganville..... | Sauk. |
| Hull, David P..... | ..... do..... | Milwaukee..... | Milwaukee. |
| Hyde, Edwin..... | ..... do..... | Milwaukee..... | Milwaukee. |
| Innis, Wm. T..... | ..... do..... | W. Rosendale... | Fond du Lac. |
| Johnson, Michael... | ..... do..... | Mt. Vernon..... | Dane. |
| Johnston, Peter.... | ..... do..... | Manitowoc..... | Manitowoc. |
| Kast, John D..... | ..... do..... | Shawano..... | Oconto&Sha |
| Kelly, David M..... | ..... do..... | Green Bay..... | Brown. |
| Keogh, Edward..... | ..... do..... | Milwaukee..... | Milwaukee. |
| Kinzie, Robert H... | ..... do..... | Avoca..... | Iowa. |
| Knapp, Levi E..... | ..... do..... | Oshkosh..... | Winnebago. |
| Knowlton, John J... | ..... do..... | Seymour..... | Outagamie. |
| Leavens, Henry P... | ..... do..... | Neenah..... | Winnebago. |
| Lindsay, Freeman D. | ..... do..... | Neillsville..... | Clark. |
| Linderman, Jas. L... | ..... do..... | Osseo..... | Trempealeau. |
| Luchsinger, John... | ..... do..... | New Glarus..... | Green. |
| Marx, Nicholaus... | ..... do..... | Kohlville..... | Washington. |
| Maxwell, Walter S.. | ..... do..... | Kenosha..... | Kenosha. |
| McCarty, Thomas... | ..... do..... | Menomonee Falls | Waukesha. |
| McCullom, J. L. R.. | ..... do..... | Sextonville..... | Richland. |
| Merrill, Sereno T... | ..... do..... | Beloit..... | Rock. |
| Mitchell, Franklin.. | ..... do..... | Judah..... | Green. |
| Mohr, Thomas..... | ..... do..... | Manitowoc..... | Manitowoc. |
| Nelson, Homer..... | ..... do..... | Markesan..... | Green Lake. |
| Neuhauser, F. A... | ..... do..... | Le Roy..... | Dodge. |
| Newman, Gideon E. | ..... do..... | Cooksville..... | Rock. |
| Owen, David..... | ..... do..... | Portage..... | Columbia. |
| Phillips, Chas. H... | ..... do..... | Lake Mills..... | Jefferson. |
| Pierce, Solon W.... | ..... do..... | Friendship..... | Adams. |
| Pope, Carl C..... | ..... do..... | Black River Falls | Jackson. |
| Ries, Florian J..... | ..... do..... | Milwaukee..... | Milwaukee. |
| Rice, John T..... | ..... do..... | Waterford..... | Racine. |
| Ringle, Bartholomew | ..... do..... | Wausau..... | Marathon. |
| Roche, Patrick..... | ..... do..... | Elba..... | Dodge. |
| Sarnow, Christian... | ..... do..... | Milwaukee..... | Milwaukee. |
| Scheuber, Adolf..... | ..... do..... | Erfurt..... | Jefferson. |
| Senn, John J..... | ..... do..... | Fountain City... | Buffalo. |
| Seymour, Silas J.... | ..... do..... | Reedsburg..... | Sauk. |
| Shepard, Leander H. | ..... do..... | Burnett..... | Dodge. |
| Shufelt, Sidney A... | ..... do..... | Omro..... | Winnebago. |
| Spence, Thomas W.. | ..... do..... | Fond du Lac..... | Fond du Lac. |
| Stapleton, Richard F | ..... do..... | Good Hope..... | Milwaukee. |
| Sylvester, Daniel R. | ..... do..... | Castle Rock..... | Grant. |
| Thornton, Thomas.. | ..... do..... | Clark's Mills.... | Manitowoc. |
| Tisch, Charles..... | ..... do..... | Nero..... | Kewaunee. |
| Toubey, Michael J.. | ..... do..... | Morrison..... | Brown. |
| Truell, David..... | ..... do..... | Lyndon..... | Juneau. |
| Vance, David..... | ..... do..... | Milwaukee..... | Milwaukee. |
| Van Waters, William | ..... do..... | West Salem..... | La Crosse. |
| Vincent, Louis..... | ..... do..... | Chippewa Falls. | Chippewa. |
| Walker, Jabez K.... | ..... do..... | East Oasis..... | Waushara. |
| Wall, Thomas..... | ..... do..... | Oshkosh..... | Winnebago. |
| Wannemaker, S. L.. | ..... do..... | Boscobel..... | Crawford. |
| Wedig, Joseph..... | ..... do..... | Sheboygan..... | Sheboygan. |
| Weeks, George..... | ..... do..... | Columbus..... | Dane. |
| Wright, Jarvis T.... | ..... do..... | Sturgeon Bay.... | Door. |

| Name. | Office. | Residence. | |
|---|---|---|---|
| | | Post Office. | County. |
| Wyatt, Henry H. | Member of Assembly.. | Star..... | Vernon. |
| Zeiman, Wm ... | .....do ..... | Horicon ..... | Dodge. |
| Chas. D. Parker. | Lt. Gov. and Pres. Sen . | Pleasant Valley.. | St. Croix. |
| W. H. Hiner.... | Pres. Senate *pro tem*.... | Fond du Lac .... | Fond du Lac. |
| J. B. Cassody... | Speaker of Assembly .. | Janesville ..... | Rock. |
| A. J. Turner.... | Chief Clerk Senate.... | Portage ..... | Columbia. |
| J. F. A. Williams | Asst. Clerk Senate ..... | Prairie du Chien. | Crawford. |
| W. A. Nowell .. | Chief Clerk Assembly.. | Milwaukee ..... | Milwaukee. |
| Chas. D. King.. | Asst. Clerk Assembly.. | Neillsville ..... | Clark. |

Note.— Where a superfluous word has been found in the enrolled bill, it has been printed in the text, but in italics, and inclosed in parenthesis, (*thus.*) Where a word has been found necessary to sustain the sense of the context, or where one word has been obviously mistaken for another, the word supposed to be proper has been supplied, but in brackets, [thus.]

# LAWS OF WISCONSIN.

[*Published February* 8, 1877.]

## CHAPTER 1.

**AN ACT to regulate the time of holding general and special terms of the circuit court in the sixth judicial circuit.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The general terms of the circuit court in the sixth judicial circuit shall hereafter be held in each year as follows: In the county of Jackson, on the second Monday of March and second Monday of September; in the county of Vernon, on the fourth Monday of March and first Monday of October; in the county of Clark, on the third Monday of April and third Monday of October; in the county of La Crosse, on the second Monday of May and second Monday of November; in the county of Monroe, on the first Monday of June and first Monday of December. **Time of holding general terms.**

SECTION 2. All general terms held in the counties of La Crosse, Monroe and Jackson, shall be special terms for the entire circuit. At any special term of said court herein provided for, any and all business may be done arising in any county of the circuit, which might be done at any general term, except the trial of issues of fact by a jury in cases other than those arising in actions of quo warranto and mandamus, and excepting also the trial of issues of fact in actions made local by law, and arising in some county other than the one in which such special term shall be held. **Special terms—What business may be transacted at.**

SECTION 3. Chapter two of the general laws of 1876, entitled "An act to regulate the time of holding the general and special terms of the circuit court in the sixth judicial circuit," and all other laws providing for any general or special terms of said court other than as herein set down, and all acts and parts of acts incon- **Repealed.**

sistent with or contravening the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved January 30, 1877.

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[*Published February* 18, 1877]

## CHAPTER 2.

(The same as Chapter 41.)

AN ACT to amend chapter 58 of the laws of 1876, relating to foreign wills.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

When wills proved in other states may be recorded.

SECTION 1. Section 1 of chapter 58, of the laws of 1876, is hereby amended so as to read as follows: When a will devising lands or any interest in lands situated in this state, shall have heretofore been or shall hereafter be duly proved and allowed in the proper court of any other of the United States or the territories thereof, a copy of such will and of the probate thereof duly authenticated, may be recorded in the office of the register of deeds of any county in which any such lands are situated, and when so recorded, and any such will so proved and authenticated that may have heretofore been recorded in any such county, shall be as valid and effectual as evidence of title to such lands, as if proved and allowed in this state, and the record of such copy or a transcript of such record duly certified, shall be prima facie evidence of the authority of the person or persons therein named to convey such lands, if therein authorized to do so, in all the courts of this state.

When recorded to be evidence.

SECTION 2. This act shall take effect and be in force from and after its possage and publication.

Approved February 6, 1877.

[*Published February* 16, 1877.]

## CHAPTER 3.

AN ACT to change the time for holding elections in the city of Eau Claire, and relating to and amendatory of section one of chapter 378, of the laws of Wisconsin for the year 1876, entitled "An act to amend chapter sixteen, private and local laws of 1872, entitled 'An act to incorporate the city of Eau Claire.'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter 378 of the laws of Wisconsin for the year 1876, entitled "An act to amend chapter sixteen, private and local laws of 1872, entitled 'An act to incorporate the city of Eau Claire,'" is hereby amended by striking out the word "fourth," in the sixth line of said section, and inserting the word "first" in lieu thereof, and by striking out the word "February" in the sixth and seventh lines of said section, and inserting the word "April" in lieu thereof. Amended.

SECTION 2. The present officers of said city shall hold their offices until their successors are elected and qualified. Tenure of present officers.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 6, 1877.

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[*Published February* 13, 1877.]

## CHAPTER 4.

AN ACT relating to narrow gauge railroads, and amendatory of section 13 of chapter 182 of the general laws of 1872, as amended by chapter 317 of the laws of 1874, and chapter 117 of the laws of 1875.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 13 of chapter 182 of the general laws of 1872, as amended by section 1 of chapter 317 of the laws of 1874, and also by chapter 117 of the laws of 1875, is hereby amended by adding at the end of said section 1 the following, to wit: *Provided, however*, that the subscription for first mortgage bonds or stock so to be made and paid in money, lands or other property, by any county, town, city or village, shall in no instance be for any amount, including existing in- Amended. Limit of subscription for bonds by counties, towns, etc.

debtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the making of such subscription, or the incurring of such indebtedness; *and provided further*, that whenever any tax above mentioned is to be levied or collected, the county board of supervisors of any such county, the town board of supervisors of any such town, the common council of any such city, and the board of trustees of any such village, or other local governmental board of any such corporation or municipality, by whatever name it may be called, shall have the right, instead of levying such tax, to borrow a sum of money sufficient to pay the amount so proposed to be raised by tax, for a period not exceeding five years, at a rate of interest not exceeding ten per centum per annum, and to issue such negotiable bonds or other obligations as shall be necessary to secure the same, to the person or persons, corporation or corporations of whom the said money shall be borrowed; and said bonds or obligations, and the coupons or installments of interest thereon, when due, shall be paid in the same manner any other indebtedness of such municipal corporation, and the proper officers of every such corporation are hereby authorized and empowered, and it is hereby declared and made their duty, firm and irrevocable, as part of the obligation of said contracts, to levy and provide for the collection of a direct annual tax sufficient to pay the interest on said indebtedness as it falls due, and also to pay and discharge the principal thereof, as it matures according to the terms of said bonds or obligations.

**Counties, towns, etc., may borrow money and issue bonds.**

**Duty of officers to levy tax.**

**Bonds not to be sold at less than par.**

SECTION 2. This act shall not be construed to authorize the municipal corporations or the authorities thereof, herein mentioned, to sell any negotiable bonds or other obligations, issued in accordance with this act, at less than their par value.

**Act applicable to subscriptions heretofore made.**

SECTION 3. This act shall extend and be held applicable to all subscriptions for bonds or stocks heretofore made by any county, town, city or village, under or in pursuance of this act or acts hereby amended, whenever the amount of such subscription shall not have exceeded the limits specified in the first proviso above enacted, or in section 3 of article XI. of the constitution of this state, and all such subscriptions are hereby ratified and confirmed.

SECTION 4. This act shall take effect from and after its passage and publication.

Approved February 7, 1877.

[*Published February* 13, 1877.]

## CHAPTER 5.

AN ACT to amend chapter one hundred and twenty-two of the laws of 1876, entitled "An act relating to the city of Portage, and codifying, consolidating and amending the act of incorporation, and all acts amendatory thereof."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eight of chapter six of chapter one hundred and twenty-two of the laws of 1876, entitled "An act relating to the city of Portage, and codifying, consolidating and amending the act of incorporation and all acts amendatory thereof," is hereby amended by inserting after the words "herein provided," in the fourth and fifth lines of said section eight, the following clauses: It shall also be the duty of the street commissioner, whenever in his opinion any portion of a sidewalk shall be out of repair or in a dangerous condition, to serve a written notice upon the owner or occupant adjacent to which such defective sidewalk shall be, if a resident of said city, to immediately repair the same, and if said owner or occupant fail to repair the same forthwith, then and in that case the same may be repaired by the street commissioner at the expense of the lot adjoining said defective sidewalk; *provided, however*, that the expense to be charged to any lot for any such repairs shall in no case exceed the sum of five dollars, unless such repairs shall be according to the provisions of section three of this chapter; service of such written notice at the residence of the owner or occupant of such lot, upon a member of his family of suitable age and discretion, or with the agent of the owner, shall be deemed service upon such owner or occupant; and in case the owner of such lot is not a resident of said city, or his residence is unknown, and such owner has no agent in said city known to the street commissioner, then and in that case it shall be the duty of the street commissioner to forthwith repair the same without notice to the owner of the adjoining lot, at the expense of such lot, as hereinbefore provided. The street commissioner shall also have the same powers and duties in relation to removing obstructions from any of the streets in said city as town boards of supervisors have in removing obstructions from highways.

Amended.

Duty of street commissioner.

Proviso.

When repair to be made without service of notice.

SECTION 2. This act shall take effect and be in f ro from and after its passage and publication.

Approved February 7, 1877.

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[*Published February* 13, 1877.]

## CHAPTER 6.

AN ACT to amend chapter one hundred and thirty-five of th laws of 1876, entitled "An act to revise, consolidate and amen the charter of the city of La Crosse," approved February 1 A. D. 1869, and the several acts amendatory thereof, approve March 7, 1876.

*The people of the state of Wisconsin, represented in senat and assembly, do enact as follows:*

Amended.

SECTION 1. Section six of chapter four of chapte one hundred and thirty-five, of the laws of 1876, enti tled "An act to revise, consolidate and amend the char ter of the city of La Crosse," approved February 19 A. D 1869, and the several acts amendatory thereof is hereby amended so as to read as follows: Section 6 All ordinances and all resolutions appropriating money or creating, or which may create, any charge, or an debt or liability, against said city, shall be referred t appropriate committees, and shall be acted on by th council only at a subsequent meeting not held on th same day, and only on the report of the committees t which the same have been referred; *provided*, tha nothing herein contained shall be construed to prohibi the common council from passing at any meeting, an without reference, resolutions for the payment of quar terly, monthly or weekly installments of salary an compensation of officers and employes of the city, pre viously fixed and ascertained by ordinance or resolu tion, as the same may become due, or from passing i like manner any resolution or ordinance which may b reported and presented to the common council by an committee for the payment or settlement of any ac count, claim or charge upon the city, or for authorizin the making of any contract on behalf of said city, whe the subject matter of such account, claim, charge o contract shall have been regularly referred to suc committee at a previous meeting of the common coun cil; *and provided further*, that payment may be order at any meeting, of money ascertained to be due unde

How ordinances appropriating money to be passed.

any contract previously approved by the common council.

SECTION 2. Section six, of chapter three, of said chapter one hundred and thirty-five, is hereby amended by striking out the words "and such other compensation as the city of La Crosse may prescribe," where the same occurs in the twentieth and twenty-first lines of said section, and inserting in lieu thereof the following: "But the common council shall have power by ordinance or resolution, to fix and establish an annual salary payable out of the city treasury, for any term of the office of the said justice of the peace for the city at large, subject to the same restrictions provided in reference to fixing the salaries of other city officers, and the payment of such annual salary shall be in full payment and discharge of any all claims of such police justice for the city at large, upon said city on account of any and all fees or services whatsoever.

Amended.

Power of council to fix salaries.

SECTION 3. Section seven, of chapter eleven, of said chapter one hundred and thirty-five, is hereby amended by inserting after the word "discharge," where the same occurs in the fifth line of said section, the following: *provided*, that no such fees accruing during any term of the office of justice of the peace for the city at large, in which the incumbent thereof shall be entitled to receive an annual salary from the city, shall be allowed or paid to such justice of the peace for the city at large, or to any other justice assigned or appointed to discharge the duties of that office.

Amended.

Fees of justice of the peace.

SECTION 4. In every contract made and entered into by or on behalf of the said city of La Crosse, for the doing of any public work, the whole or any portion of which, under the provisions of the said chapter one hundred and thirty-five, or of any amendment thereto, or of any city ordinance passed in pursuance thereof, is changeable to lots or portions of lots abutting on such public work, there shall be included an express agreement on the part of the contractor that he will accept certain certificates against the lots or parcels of lots so chargeable, in payment of all claims against the said city for all that portion of the work done under his contract so chargeable as aforesaid, and the city of La Crosse shall never be liable, either to said contractor, or his assignee or assignees, or representives, or to any lot owner, or to any person or corporation whatsoever, for on no account of any money paid or to be paid for any work or portion of work made chargeable or attempted to be made chargeable to any lot or por-

Contractor to accept certificates against lots.

tion of lot in pursuance of the charter of said city, or of any act amendatory thereof, or of any ordinance passed in accordance therewith.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved February 7, 1877.

---

[*Published February* 13, 1877.]

## CHAPTER 7.

AN ACT relating to the issue of bonds in the county of Brown for the payment of outstanding indebtedness.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority of board of supervisors to issue bonds.

SECTION 1. That for the purpose of paying off the outstanding indebtedness of the county of Brown, the board of supervisors of said county are hereby authorized to issue the bonds of said county of Brown to such an amount as said board of supervisors may see fit, but the amount of bonds so issued shall not exceed the sum of twenty thousand dollars in all; *provided*, that such amount shall (including existing county indebtedness) not in the aggregate exceed five per centum on the value of the taxable property of Brown county as appears by the assessment for state and county taxes for the year 1876.

Denomination of bonds and when to be payable.

SECTION 2. Said bonds shall be of the denomination of fifty dollars, one hundred dollars and two hundred and fifty dollars each, in such proportions as said board may determine, and shall be payable in one, two and three years respectively, in such proportions as said board may determine.

Rate of interest on bonds.

SECTION 3. Said bonds shall bear such rate of interest, not exceeding 8 per cent. per annum, as said board shall determine, and shall be payable at the county treasurer's office in said county, and shall be signed by the chairman of the board of supervisors of said county, countersigned by the clerk of said board, and shall have the county seal thereto affixed, and shall be used solely for the purpose of defraying the outstanding indebtedness of said county.

Board of supervisors to levy tax for payment

SECTION 4. The board of supervisors of said county shall annually levy a tax on all the taxable property

in said county sufficient to pay the interest on all said bonds outstanding at the time, and the principal of so many of said bonds as shall mature and become payable in each year, which tax shall be called the county bond tax, and shall be paid in money or in the bonds and coupons then due and payable; and the said bonds and coupons, whenever they shall be due and payable, shall be receivable in payment of any tax due to said county in like manner as county orders.

of interest and principal of bonds.

Bonds and coupons receivable for county taxes.

SECTION 5. This act shall be in force from and after its passage and publication.

Approved February 9, 1877.

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[*Published February* 13, 1877.]

## CHAPTER 8.

**AN ACT to authorize the appointment of a reporter for Kewaunee County Circuit Court.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. It shall be lawful for the judge of the circuit court, for the fourth judicial circuit of this state, to appoint one or more phonographic reporters for the circuit court in and for the county of Kewaunee.

Appointment of reporter authorized.

SECTION 2. Said reporters shall be sworn officers of said court, and shall be skilled in the art of short-hand reporting, one of whom shall attend upon each general term of said court, when requested by the judge so to do, and shall discharge such duties as the court or judge thereof shall require.

General duties of reporters.

SECTION 3. The said reporter shall be allowed such daily compensation as shall be fixed by the court, not exceeding ten dollars per day for each day's actual attendance upon said court, when required by the judge thereof to attend, which shall be certified, audited and daid in like manner as is provided by law for the payment of the sheriff for attending upon the court; *provided*, that one only of such reporters shall be employed at the same time.

Compensation.

SECTION 4. It shall be the duty of said reporter, upon the request of a party to any suit, or the attorney or attorneys of such party, the evidence in which suit shall have been taken by said reporter, to make and furnish transcripts of such evidence so taken by him,

Duty of reporter to furnish transcripts of evidence.

or any other proceedings had in such trial, to such party or his attorney, or shall make and furnish transcripts of any part of such evidence or proceedings designated upon like request, for which transcripts so furnished, said reported shall be entitled to charge and receive from the party requiring the same to be made, six cents for each folio of one hundred words. In the trial of criminal cases the court may, in its discretion, order a transcript of the evidence and proceedings to be made, certified and audited and paid in the same manner as the per diem compensation of said reporter, and in such cases, the reporter's notes shall be written out in full and filed with the clerk of the court.

Fees for same.

Power of judge to remove reporters.

SECTION 5. The judge of said court may, in his discretion, remove such reporters, or any one of them, and may fill any vacancy caused by such removal, or from any other cause.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved February 9, 1877.

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[*Published February* 13, 1877.]

## CHAPTER 9.

AN ACT to fix the time for holding the general and special terms of the circuit court in the Thirteenth Judicial Circuit.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

General terms.

SECTION 1. The general terms of the circuit court in the thirteenth judicial circuit shall hereafter be held in each year as follows: In the county of Buffalo on the third Tuesday in May and third Tuesday in November; in the county of Eau Claire on the fourth Tuesday in March and fourth Tuesday in September; in the county of Trempealeau on the first Tuesday in June and first Tuesday in December.

Special terms.

SECTION 2. All the general terms held in the counties of Eau Claire and Trepealeau shall be special terms for the whole circuit. There shall also be held in the county of Eau Claire, on the second Tuesday of January in each year, a special term for the whole circuit. At any special term of said court herein provided for, any and all business may be done which might be done at any special term of said court, except the trial of issues of fact by a jury.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 9, 1877.

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[*Published February* 17, 1877.]

## CHAPTER 10.

AN ACT relating to and amendatory of chapter 16 of the private and local laws for the year 1872, entitled "An act to incorporate the city of Eau Claire."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three of chapter one of said chapter 16, is hereby amended so as to read as follows: Section 3. The first ward shall be all that portion of said city lying north of the Eau Claire river and east of the Chippewa river, and east of a line commencing at the Eau Claire river in the centre of Dewey street; thence northerly on Dewey street to the centre of Broadway; thence westerly on Broadway to the centre of Farwell street; thence northerly on the line of Farwell street to the east and west quarter line of section seventeen (17), town twenty-seven (27) north, range nine (9) west; thence east on said line to the centre of said section; thence north on the north and south centre line of said section to the Chippewa river. The second ward shall be all that portion of said city lying south of the Eau Claire river and east of the Chippewa river, and north of Jones street, together with lot six (6) of section sixteen (16), and lots one (1), two (2), three (3) and four (4) of section twenty-one (21), and lot five (5) of section twenty (20), of town twenty-seven (27), range nine (9) west. The third ward shall be all that portion of said city lying south of the second ward and east and south of the Chippewa river. The fourth ward shall be all that portion of said city lying north of the Chippewa river and south of the east and west quarter line running through section nineteen of town twenty-seven (27), range nine (9) west, and section twenty-four (24) of township twenty-seven (27), range ten (10) west, and west of the centre line of Ninth avenue, together with lots seven (7), eight (8) and nine (9) of section nineteen (19) aforesaid, according to government survey. The fifth ward shall be all that portion of said city lying north of the Chippewa river east

Amended.

Ward boundaries.

of the centre line Fifth avenue, and south of the centre line of State street. The sixth ward shall be all that portion of said city lying west of the Chippewa river and not included in the fourth, fifth and seventh wards. The seventh ward shall be all that portion of said city lying north of the Chippewa river, west of the centre of Fifth avenue, south of the centre of Huron and State streets, extended to Half Moon lake, and east of the centre of Ninth avenue. The eighth ward shall be all that portion of said city lying north of the Eau Claire river and east of the Chippewa river not included in the first ward. There shall be elected at the next charter election, two aldermen in each of the fifth and eighth wards, one of whom in each ward shall be elected for one year and one for two years, one of whom in each ward shall be designated as supervisor, and shall represent his ward in the county board of supervisors. Each of the present aldermen of said city whose residence is included in any of the wards hereby created, shall hold his office and represent such ward during the remainder of the term for which he was elected. The common council of said city shall apportion the ward funds belonging to all of the wards affected by the change of boundaries, upon the basis of the assessment for the year 1876. The common council shall, by resolution, appoint a polling place in each of the first, sixth, seventh and eighth wards, as hereby created, and make the same arrangements for holding elections in said wards at the next ensuing charter election as are now or may hereafter be made for holding elections in the other wards of said city.

Election of aldermen.

Apportionment of ward funds.

Vacancies and resignations.

SECTION 2. Section three (3) of chapter two (2) of said chapter sixteen (16), is hereby amended so as to read as follows: Section 3. Any vacancy in the elective offices of said city shall be filled by the common council, and the person so appointed shall hold said office and discharge the duties thereof until his successor, who shall be elected at the next charter election, shall be qualified for said office. Resignations by all elective officers of said city shall be made in writing to the common council.

Powers and duties of mayor.

SECTION 4. Section two (2) of chapter three (3) of said chapter sixteen (16), is hereby amended so as to read as follows: Section 2. The mayor shall have power to administer oaths and affirmations, take acknowledgments of deeds and other instruments, and perform marriage ceremonies. He shall appoint a chief of police, and may appoint such further number

of policeman as the common council at any regular meeting may authorize, which appointments shall be approved by the common council before they shall enter upon the duties of their office, and the compensation of the chief of police shall not exceed two dollars and fifty cents per day, to be determined by the common council, and the said policemen shall be paid such salary, not exceeding two dollars per day, as the common council may determine. The mayor may also appoint as many special or temporary police on election days, or on other public or unusual occasions, as he may think proper, but no such special or temporary police shall be paid any compensation for his services out of the city treasury, unless otherwise ordered by a vote of three fourths of all the members of the common council. The common council may by ordinance prescribe the powers and duties of the police and other peace officers. The mayor shall communicate in writing to the common council, once a year, such information as he may deem necessary, and at all times give such information as the common council may require.

Chief of police.

SECTION 5. Section seven (7) of chapter three (3) of said chapter sixteen (16), as amended by chapter four (4) of chapter one hundred and six (106) of the laws of Wisconsin for the year 1874, is hereby amended so as to read as follows: Section 7. The chief of police shall perform such duties as shall be provided by ordinance for the preservation of the public peace, and the collection of fines and license moneys. In all criminal and *quasi* criminal matters, he shall possess the powers of a constable at common law or by the laws of the state, and shall receive like fees, and may serve civil process in all cases where the city is a party, but shall receive no fees from said city for any such services. And he shall not make any arrest or serve any process outside of said city, unless the cause for making such arrest or for issuing such process in fact arose or be alleged on oath to have arisen within said city. The policemen of said city shall be under the control and direction of the mayor and chief of police, and shall have the same powers in making arrests, preserving the peace and serving process as are herein conferred on the chief of police, and shall receive in like cases the same fees.

Amended.

SECTION 6. Section four (4) of chapter four (4) of said chapter sixteen (16) is hereby amended by inserting the word "or" between the words "money" and "whereby," in the 9th line thereof, and by striking out

the words "eight aldermen" where they occur in the 16th line thereof, and inserting in lieu thereof the words "three-fourths of all the members of the council," and inserting after the word "mayor," in the 19th line of said section, the following words: *provided, further*, that whenever the mayor shall disapprove of any resolution, ordinance or measure requiring his approval, he shall within twenty (20) days after the passage thereof by the council, file such resolution, ordinance or measure, together with his disapproval thereof and his reasons therefor in writing, in the office of the city clerk, who shall lay the same before the council at its next stated meeting thereafter; and in case of failure to file the same within the time aforesaid, such resolution, ordinance or measure shall be in force without his approval.

**Duty of mayor in disapproving ordinances, etc.**

**Taking of property for public use.**

SECTION 7. Section first of chapter five of an act entitled "An act to incorporate the city of Eau Claire," approved March 2, 1872, is amended so as to read as follows: Section 1. The common council shall have power to take for the use of the city, in the manner hereinafter provided, any lots or any land for public squares, grounds, streets and alleys, and to widen or straighten the same, or for the purpose of erecting a public hall, market house, fire engine house, or any building in the construction of water works, or for flowing the same, for supplying the city with water, or any other lawful municipal purpose, or for erecting hospitals or pest houses for the prevention of contagious or infectious diseases within the city, or for any needful or convenient purpose in connection with or to execute and accomplish any other power, right or privilege conferred on or granted to the city by its charter, or any act amendatory thereof, or by any act of the legislature; and may take the same, and whether within or without the city, by conveyance from the owner upon a bargain and sale, or upon a donation thereof, or in manner as follows: Whenever it shall, in the opinion of the common council, be necessary, said council shall declare, by resolution, that it is necessary to take any such lots or lands for any of the purposes above set forth, giving description of the premises, defining separately each parcel thereof separately owned, and the purpose for which they are to be taken. The common council shall thereupon cause a written notice, as prescribed in the next section, to be served upon the occupant, or occupants, of such lands, and the owner or owners of the same, if the place of residence of such owner or

**Notice to be served.**

owners is known, or can be ascertained by reasonable diligence, when such residence is within this state, and in case such owner or owners are nonresidents of the state, or their place of residence, after due diligence by the city attorney of said city, cannot be ascertained, which fact shall be made to appear by his affidavit, then the common council shall cause service of such notice to be made on such nonresident owner or owners, or the owner or owners the residence of whom cannot be ascertained, by causing the same to be published for six weeks in the official paper of the city, at least once in each week, and by causing such notice to be mailed, post paid, to the address of such owners within five days from the time of the first publication of such notice, when the post office address of such owner is known.

What notice to contain.

SECTION 8. Section second of said chapter five is hereby amended so as to read as follows: Section 2. Such notice shall be signed by the city clerk or city attorney, and shall state the adoption of the resolution and embrace a copy thereof, and further, that at a time and place therein named, not less than ten days after the service of such notice, or the expiration of such publication, as the case may be, application will be made to the judge of the circuit court for said county of Eau Claire, for a jury to inquire and determine whether it is necessary to take the lands or any part thereof, described in such resolution for the purposes therein specified. Such notice shall further state the time and place at which such jury will be applied for to meet to discharge such duty; and the judge aforesaid shall fix the time and place so named in the precept hereafter mentioned, and no other notice thereof shall be necessary.

Appointment of jurors to veiw premises.

SECTION 9. Section three of said chapter five is amended so that the same shall read as follows: Section 3. At the time fixed in said notice for the appointment of such jurors, the judge named in said notice, upon proof of the service of the same on the owner or owners of the premises described in such notice, which proof shall be made in the same manner as is now required to make proof of the service of a summons in civil actions in courts of record in this state, shall appoint twelve competent persons, having the qualification of jurors in and for the county of Eau Claire, and not residents of the ward in which such premises are situated, nor interested in such application, but residents of the city shall not be disqualified: *provided*,

that if the owner of the lands sought to be taken shall, before said judge shall appoint such persons, demand in writing that the jury be taken from any other county in such judicial circuit, then said judge shall appoint such jury from persons having the qualifications of jurors in such other county in the circuit as shall be designated by such landowner in his demand for the enquiry to be made respecting his lands. The same rights of challenge peremptorily, or for favor, or cause, may be exercised by the city attorney, and by such landowner whose land is sought to be taken, or by his agent or attorney, as a party to a civil action in the circuit court is entitled to have, and the judge shall decide the same in like manner, and replace the name of any juror successfully challenged by the name of some other competent person until a jury of twelve shall be chosen. The said judge shall thereupon issue his precept directed to such jurors, requiring them and each of them to appear before him, on the day named in the notice for such jurors to meet, for the discharge of their duties under such appointment. The precept so issued may be served by the sheriff of said county, or by any public officer of said city. The jurors so chosen shall before entering upon the performance of their duty, take an oath before such judge faithfully and impartially to discharge their duty as such jurors and a true verdict give, whether it is necessary to take such land or any part thereof mentioned in such resolution for the purpose therein specified.

Precept to be issued by judge.

Amended.

SECTION 10. That section five of said chapter five be amended by striking out the words "at such time as they may agree upon, shall," in the first and second lines, and insert the words "shall forthwith, under direction of said judge." strike out "by one of the jurors," in fifth line, and insert "by said judge."

Verdict of jury.

SECTION 11. Section six of said chapter five is amended so as to read as follows: Section 6. After having made such view and heard such testimony as shall have been produced, the said jury shall, under direction of said judge, deliberate apart and return their unanimous verdict in writing, signed by them, in which they shall find and state whether it is necessary to take the whole of the lands described in such resolution for the purpose therein specified, or any part thereof, describing particularly the part to be taken, if they find only a part thereof so necessary. Such verdict, with all the papers, proceedings and testimony had before him and said jury, shall then be forthwith

filed by said judge with the clerk of the circuit court for Eau Claire county, together with a certificate by said judge that the same are the originals and the whole thereof. The clerk shall, on application, furnish a certified copy of the same or any part thereof, which shall have the same force and effect as the originals. In case any jury called under the provisions of this charter shall disagree, another jury shall be forthwith selected in like manner, and all the like proceedings thereafter had as hereinbefore provided for the first jury, excep that the said judge shall fix a reasonable time for the assembling of such jury in the precept therefor, but no other notice thereof shall be necessary to any party; and the like steps shall be taken in case of any further disagreement, until a verdict shall be found.

When jury disagree.

SECTION 12. That section seven of said chapter five be amended so that the same shall read: Section 7. Should the necessity for the taking of the premises, or any part thereof mentioned in the resolution of the council, be so established by the verdict of a jury, then the common council may enter an order directing the city attorney to proceed to procure to be assessed and appraised the damages to the owner or owners of the premises so found necessary to be taken by reason of the taking of the same for the purpose specified. The city attorney shall thereupon make application to the judge of the circuit court or judge of the county court for Eau Claire county, briefly setting forth the fact that the necessity for taking such premises has been so established by the verdict of a jury, and praying the appointment of three commissioners to appraise the damages of each and all of the several owners of such lands, and showing the amount of land, giving the metes and bounds thereof, the purpose for which the same is to be taken, and the names of the several owners so far as the same are known to the city attorney. Five days' notice of the time and place when such application will be presented to such judge, accompanied with a copy of such application, shall then be served on each owner in the cases when required and in the manner provided in section one of this chapter five. At the time and place designated, such judge shall hear all parties interested who appear, and shall appoint three disinterested and reputable freeholders of said county as such commissioners, by his order in writing, to ascertain and appraise the compensation to be made to the owners of or persons interested in the land so

City attorney to have premises appraised.

found necessary to be taken, and fix the time and place for the first meeting of such commissioners.

Amended.

SECTION 13. Sections eight, nine and ten of said chapter five are amended by striking out the word "jurors" in each and every place where the same occurs therein, and inserting instead the word "commissioners."

How commissioners to proceed.

SECTION 14. Section eleven of said chapter five is amended so as to read as follows: Section 11. The commissioners shall take and subscribe the oath prescribed by the twenty-eighth section of the fourth article of the constitution, before entering on the discharge of their duties. A majority of them may adjourn the proceedings before them from time to time, in their discretion. They shall cause notice to be given to each perty interested, of the time when and the place where they will meet to consider the amount of compensation to which he is entitled, which notice shall be personally served on such party, or his authorized agent or attorney, or by leaving the same at his residence or place of business, with a person of suitable age and discretion, at least six days before the time of such meeting. If such party is a non-resident of this state, or his residence is unknown, and he has no authorized agent or attorney in this state, such notice shall be published in a newspaper as aforesaid, for such length of time as the court or judge appointing said commissioners shall direct. The commissioners shall file proof of such notices, or of the appearance of such parties before them, either personally or by attorney, with their report. But it shall not be necessary to serve or publish notice of any subsequent meeting held pursuant to adjournment.

To view premises and determine value.

SECTION 15. Section twelve of said chapter five is amended so as to read as follows: Section 12. The commissioners shall view the premises described in the petition, and hear the allegations of the parties, and shall appraise, ascertain and detesmine the value of each tract or parcel of land proposed to be taken, with the improvements thereon, and of each separate estate therein, and the damages sustained by the owner by reason of the taking thereof, and fix the amount of compensation to be made to each of such owners therefor; and in fixing the amount of such compensation, said commissioners shall not make any allowance or deduction from the value of the real estate taken on account of any real or supposed benefits which the parties in interest may derive from the construction of

the proposed improvement, for which such real estate may be taken; but special benefits to the real estate adjoining the lands so taken, shall be allowed in deduction of any damages sustained by the owner to such adjoining real estate. In case of any building on the land, and proceedings shall have been taken as provided in sections eight, nine and ten, the said commissioners shall include the value of such building as estimated by them, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case, they shall only include the difference between such value and the whole estimated value of such building. A majority of the commissioners, all being present, shall be competent to determine all matters before them. The commissioners shall, within twenty days after viewing any of the lands so taken, make and file in the office of the clerk of the circuit court of such county, a report of their proceedings concerning such lands, setting forth the award made for each tract or parcel thereof, or separate estate therein, to the owner or owners thereof. The commissioners shall be entitled to such compensation as the court may direct, which shall be paid by the city.

**Amended.**

SECTION 16. Section thirteen of said chapter five is amended by striking out the word "jurors" therein, and inserting instead "commissioners."

**Common council may order improvement made and land to be taken.**

SECTION 17. Section fourteen of said chapter five is amended so as to read as follows: Section 14. Whenever the commissioners shall have completed their duties and filed the report of their proceedings and determination as before provided, the common council may, if they shall deem it expedient, by resolution or ordinance, order such improvement to be made, and the land which has been so found necessary to be taken therefor to be taken and used; and in such case the city shall be absolutely liable to the owner or owners, or parties entitled thereto, for all compensation that may be established against said city therefor; and the council may also in that case make an assessment of the compensation to be paid therefor with the costs of proceedings, or such part thereof as they shall determine to be just, upon the lands found by them to be directly benefited by such improvement in such proportion to the benefits enjoyed as they shall determine. If the council shall not deem it expedient to make such improvement, they may, by resolution, order all further proceedings to be discontinued.

**Appeal may**

SECTION 18. Section fifteen of said chapter five is

made to circuit court.

amended so as to read as follows: Section 15. Within ten days after the filing of the report of the commissioners in the office of the clerk of the circuit court, any party may appeal to the circuit court of Eau Claire county from any award made by the commissioners, by filing in the office of said clerk a written notice of appeal. Upon receiving such notice, the appeal shall be considered an action pending in court, for trial there as other actions, and shall be entered by the clerk upon the records of the court by setting down the owner or owners of the land for which such award was made, and who are parties to the appeal as plaintiffs, and the city as defendant. Such appeal shall be tried by jury, unless a trial by jury is waived by both parties; costs shall be allowed to the successful party on such appeal, and if in favor of the plaintiff, be added to the amount of the verdict; if in favor of the defendant, be deducted therefrom; and judgment shall be rendered thereon according to the rights of the parties.

Report of commission to be recorded.

SECTION 19. Section sixteen of said chapter five is amended so as to read as follows: Section 16. The report of the commissioners shall be recorded by the clerk of the court, in whose office the same is filed, in the judgment book of such court, and at any time after the making of such award the city may set apart in its treasury, to the order of the owner or owners of the lands so taken, or pay the same to such owner or owners, or to the clerk of said court for the use of such owner or owners, the amounts awarded by the commissioners, and thereupon, may enter upon, take and use the land for the purposes for which it was condemned, and may obtain from either of said judges, upon twenty-four hours' notice, a writ of assistance to put its officers or agents into possession of the same. If such city be in possession or put in possession of such land, pending an appeal, the owners or parties entitled thereto shall be entitled to receive the money paid into court or set apart in the city treasury on account of the award appealed from, without prejudice to the appeal taken, but if the city shall have appealed, such money shall only be so withdrawn by leave of court, upon filing a bond in such sum and with such surety as shall be approved by the court or judge, to repay the amount by which such award shall be abated on such appeal, with costs. If any defect of title to or incumbrance upon any parcel of the premises shall be suggested in said petition, or if any party to said proceeding or any person not a party shall petition to the said court, set-

ting up a claim adverse to the title set out in said petition to said premises, and to the money or any part of it to be paid as compensation for the property so taken, the court shall hear and determine the right of the parties to said money, and for that purpose may order a reference or an issue to be tried by a jury. Either party may except to the decisions of the court and appeal to the supreme court in like manner as in actions. Either court may award costs to the prevailing party. and render judgment therefor against the other party.

Court to hear and determine right of parties.

SECTION 20. Section nineteen of said chapter five is amended so as to read as follows: Section 19. When any known owner of lands or tenements affected by any proceedings under this charter shall be an infant, or labor under any disability, the judge before whom the proceedings are pending, may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, in the same manner as in a civil action in a court of record, and all notices required by this charter shall be served on such guardian.

When owner of property is an infant or under legal disabilities.

SECTION 21. Section twenty of said chapter five is amended so as to read as follows: Section 20. The judge or court before whom proceedings are pending, shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this act as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest as he deems proper, and also to appoint other commissioners in place of any who shall die, or refuse or neglect to serve, or be incapable of serving.

Power of court to amend defects.

SECTION 22. Section twenty-one of said chapter five is hereby amended so as to read as follows: Section 21. Whenever any improvement chargeable to the property adjacent thereto shall have been determined upon, the proportion of the costs properly chargeable to each lot, part of lot or parcel of land subject to contribute to the payment of the same, shall be ascertained by the council, and the city clerk shall forthwith issue to each person occupying such premises liable to contribute, a certificate stating the amount assessed and chargeable to the premises occupied by such person, and the amount so chargeable to any particular lot or parcel of land shall be, from the time it is so ascertained, a lien and charge thereon, and upon no other property; and the said amount shall be entered against such lot or lots in the tax warrant for the year in which the assess-

When improvement chargeable to adjacent property.

ment is made, and collected in the same manner as other taxes.

Forfeitures and penalties to be paid into city treasury.

SECTION 23. Section three (3) of chapter seven (7) of said chapter sixteen (16), is hereby amended so as to read as follows: Section 3. All forfeitures and penalties accruing to the city for any violation of this act or of any of the ordinances, by-laws, rules or regulations of the city, and all fines recovered for any cause in any criminal proceeding before any justice of the peace in said city or in the municipal court of said city, shall be paid into the city treasury by the justice of the peace or municipal judge before whom the same are recovered, and shall become a part of the general fund; and all moneys received for licenses shall be paid into the city treasury and become a part of the general fund, except as otherwise provided by this act.

Commencement of fiscal year.

SECTION 24. Section five (5) of chapter seven (7) of said chapter sixteen (16), as amended by section eight (8) of chapter one hundred and six (106) of the laws of Wisconsin for the year 1874, so as to read as follows: Section 5. The fiscal year of the city of Eau Claire shall commence on the first day of September, on which day, or within thirty days thereafter, the common council shall, by resolution, determine what amount of money, exclusive of the estimated resources of the city not derived from direct taxation, will be required for the next ensuing year for general city purposes; and the common council shall thereupon be empowered to levy, and shall by resolution, levy a tax for general city purposes, not exceeding in amount one per centum of the assessed value of real and personal property of the city for that year. The common council shall, in the month of September of each and every year, determine and levy the amount of highway tax in each ward of said city for the ensuing year, according to the necessities of each of the wards respectively, for the purpose of constructing and repairing streets, highways and bridges in said city, which amount shall not in any ward exceed four mills on the dollar upon all taxable property in said ward, as the same shall appear by the last assessment roll, which shall be collected in the same manner and at the same time as the general taxes of said city. The city treasurer shall credit each ward in the city with the amount of highway tax collected by him therein, and the same shall be expended on the streets, highways and bridges in the wards where collected, under the supervision of the street commissioner. The common council shall have the power to

When and how taxes levied and collected.

levy a tax upon the taxable property of said city, equal in amount to the interest for one year, not otherwise provided for, upon all bonds lawfully issued by the city of Eau Claire; and such special tax shall not be used or applied for any other purpose whatever. No city order of any kind shall be received in payment of school or school house tax, but the same shall be paid in money, and shall be paid over by the city treasurer to the treasurer of the school boards, upon the order of the director and clerk thereof. All resolutions for the purpose of levying a tax shall require for their passage the affirmative vote of two-thirds of all the members of the common council.

Approved, February 13, 1877.

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[*Published February* 19, 1877.]

## CHAPTER 11.

**AN ACT to reduce the rate of interest on bonds hereafter issued by the city of Milwaukee, under section 23, chapter 311, laws of 1876.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All bonds hereafter issued by the city of Milwaukee, under and in pursuance of section 23 of chapter 311 of the laws of 1876, shall bear interest not exceeding the rate of 6 per cent. per annum, payable semi-annually. **Bonds to bear six per cent. interest.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 13, 1877.

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[*Published February* 19, 1877.]

## CHAPTER 12.

**AN ACT to enable the county of Jackson to compromise its bonded indebtedness.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. For the purpose of compromising and settling the railroad bonded indebtedness of the county **County board authorized to compromise**

and settle indebtedness.

of Jackson, in this state, based upon bonds heretofore issued, and claims for bonds heretofore voted but not issued, to aid in the construction of the Tomah and Lake St. Croix railroad (now the West Wisconsin railway), under the provisions of an act of the legislature entitled "An act to authorize certain counties therein named to aid in the construction of a railroad from Tomah to Lake St. Croix, by the Tomah and St. Croix Railroad Company," approved April 1st, 1864; and which said indebtedness may, at the time of settling or compromising, be represented by bonds, coupons, claims for bonds heretofore voted by said county in aid of said railroad, but not yet issued, judgments rendered upon bonds and coupons, the board of supervisors of the county of Jackson, Wisconsin, shall have power, and are hereby authorized to compromise and settle said indebtedness, or any part thereof, upon such terms and conditions as to them shall seem most advantageous and beneficial to the said county, subject, however, to the limitations and conditions hereinafter contained.

Board may provide for issuing bonds.

SECTION 2. The board of supervisors of the said county of Jackson, for the purpose of settling the indebtedness mentioned in section one of this act, shall have power, by order or resolution, to provide for the issuing of the bonds of the said county of Jackson, in denominations from one hundred dollars to one thousand dollars each, to an aggregate amount not exceeding the sum of forty-seven thousand dollars. Said bonds may be dated on the 1st day of November, 1875, or on any day subsequently, as said board may determine, and shall be made payable twenty years from and after the date of the same, with interest at the rate of seven per cent. per annum, payable semi-annually, at such place as may be designated in said bonds.

How bonds to be signed.

SECTION 3. The bonds authorized by the provisions of this act shall be signed by the chairman of the county board of supervisors of the county of Jackson, and countersigned by the county clerk of said county, who shall affix thereto the seal of said county.

Board to levy tax to pay interest.

SECTION 4. The board of supervisors of the said county of Jackson shall annually cause to be levied and collected, as other county taxes are levied and collected, a sum of money sufficient to pay the interest on the said bonds issued under the provisions of this act; and all taxes collected to pay the interest on said bonds shall not be used for any other purpose, and the county treasurer of the said county of Jackson shall promptly

and faithfully apply the same in payment of the interest on said bonds.

SECTION 5. The said board of supervisors of the county of Jackson are hereby authorized and required, from and after the tenth year after the issue of the said bonds, provided for by this act, to annually cause to be levied and collected, in addition to the interest hereinbefore provided for, in the same manner that state and county taxes are levied and collected, a sum not exceeding five per cent. of the amount of the bonds which may have been issued under this act, and which may be outstanding, which said sum shall be used and applied by the county treasurer of said county of Jackson in the payment of the said bonds so outstanding; and in the event of the said county treasurer not being able, for any reason, to pay such bonds, he shall invest all such sums unapplied and unexpended in his hands in bonds of the state of Wisconsin, or of the United States, and shall, from time to time, receive the interest, when due upon such bonds, and invest such interest as aforesaid; and shall keep said sums so invested until used in the payment of the said bonds, provided for by this act.

**Board to levy tax to pay principal.**

**How funds to be invested.**

SECTION 6. The board of supervisors of the said county of Jackson shall cause to be levied and collected, during the year previously to the maturity of said bonds, or any of them, a sum sufficient to pay any and all such bonds so maturing, and the county treasurer of the said county of Jackson shall faithfully and promptly apply the sum so raised in the payment of said bonds as they become due.

**Tax to be levied for payment of bonds.**

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved February 13, 1877.

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[*Published February* 19, 1877.]

## CHAPTER 13.

**AN ACT relating to court commissioners for Brown county.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All court commissioners of the circuit court for Brown county, heretofore appointed or hereafter to be appointed, shall, without further qualfica-

**Powers of court commissioners.**

tion, have and exercise all rights and powers, perform all duties, and be entitled to all fees and emoluments in actions and proceedings in the second county court for said county, which are or may hereafter be authorized or conferred by law in respect to like actions or proceedings in any circuit court.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 13, 1877.

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[*Published February* 19, 1877.]

## CHAPTER 14.

AN ACT relating to the apportionment of the state into senate and assembly districts, and amendatory of chapter 343 of the general laws of 1876.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Second assembly district.

SECTION 1. The towns of Clayton, Neenah, Menasha, Winneconne, Winchester, and the cities of Neenah and Menasha, in the county of Winnebago, shall constitute the second assembly district in said county.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 13, 1877.

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[*Published February* 19, 1877.]

## CHAPTER 15.

AN ACT to appropriate to the state prison a sum of money therein named, to reimburse the prison for goods furnished other state institutions, and to pay indebtedness incurred in making new roofs.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated to the state prison, out of any money in the general fund, not otherwise appropriated, the sum of ten thousand dollars, for the following purposes: Eight thousand five hundred and thirty-four dollars to reimburse the prison for goods furnished other state institutions, under chapter

200, laws of 1875; and one thousand and four hundred and sixty-six dollars, to pay indebtedness incurred in making new roofs.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 13, 1877.

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[*Published February* 14, 1877.]

## CHAPTER 16.

**AN ACT to amend section 1, chapter 64, of the general laws of 1872, entitled "An act to provide for the enforcement of laws in certain cases."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Duty of secretary to revoke license of insurance companies in certain cases.**

SECTION 1. Section 1, of chapter 64, of the general laws of 1872, is hereby amended so as to read as follows: Section 1. If any insurance company or association shall make application to change the venue or remove any suit or action heretofore commenced or which shall be hereafter commenced in any court of the State of Wisconsin, to the United States Circuit or District Court, or to the federal court, contrary to the provisions of any law of the State of Wisconsin, or contrary to any agreement it has made and filed, or may make and file, as provided and required by section twenty-two, of chapter fifty-six, of the general laws of Wisconsin for the year 1870, or any other provisions of law now in force in said State, or may hereinafter be enacted therein, it shall be the imperative duty of the Secretary of State, or other proper state officer, to revoke and recall any authority or license or certificate to such company to do and transact any business in the State of Wisconsin, and no renewal or new license or certificate shall be granted to such company for three years after such revocation, and such company shall thereafter be prohibited from transacting any business in the State of Wisconsin, until again duly licensed: *provided*, that the provisions of the foregoing section shall not apply to any company having made such application and obtained an order for removal prior to January 1, 1877, and that in case the license of any company has been revoked for such cause the Secretary of State may re-license such company, and continue to do so on its

**Proviso.**

compliance hereafter with the provisions of chapter 56, of the general laws of 1870, and acts amendatory thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 13, 1877.

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[*Published February* 16, 1877.]

## CHAPTER 17.

AN ACT relating to the terms of the several circuit courts of the Eleventh Judicial Circuit, petit juries therein, and authorizing the employment of a phonographic reporter therein, and fixing the compensation of said reporter.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

When terms to be held.

SECTION 1. The general terms of the several circuit courts for the Eleventh Judicial Circuit, shall be held as follows: In the county of Ashland, on the second Tuesday in January and on the fourth Monday in July; in the county of Barron, on the first Tuesday in March and on the first Tuesday in September; in the county of Bayfield, on the third Monday in January and on the third Monday in July; in the county of Burnett, on the second Tuesday in February and on the second Tuesday in August; in the county of Chippewa, on the first Monday in June and on the first Monday in December; in the county of Douglas, on the first Tuesday in February and on the second Tuesday in July; in the county of Polk, on the third Monday in March and on the third Monday in September.

Special terms.

SECTION 2. Every term of said circuit court in the counties of Chippewa and Polk, shall also be special terms for the whole of said circuit, and all actions, motions, proceedings, or other business now pending, or which may hereafter arise in any or either of the counties in said circuit, and not requiring a jury, may be brought on, heard, tried and determined, or otherwise acted upon or disposed of at any or either of said special terms, in the same manner, and with the same force and effect as if the same were brought on, or heard, tried, determined, or otherwise acted upon or disposed of in the county wherein the same are now pending or may hereafter arise; and when any causes or matters are pending in either counties, different from the county in

which the special term is held, the clerk of the court, where the special term is held, shall transmit all orders, judgments and other papers to the clerk of the circuit court of the county where said causes or matters are pending. The said papers shall be filed and entered by such clerk, in the same manner as if said cause or matters had been heard or determined by the circuit court, at a term thereof held in that county, and all orders, proceedings and judgments made in pursuance of this act shall have the like force and effect, as if made in the county where such cause or matters are or may be pending, and no notice of the holding of such special term shall be required, other than the passage and publication of this act.

**Writs, etc., returnable on days heretofore fixed.**

SECTION 3. All writs, indictments, summons, recognizances, processes, informations, motions and other proceedings in any of said courts, and all jurors summoned to attend, and all notices of trial and every and all proceedings pending or to be heard on the days heretofore fixed as the first day of said courts, shall be held returnable, cited to appear, and noticed for hearing on the days herein fixed for the first day of said several courts, and shall be heard and disposed of as if noticed for hearing on the days herein fixed.

**Appointment of phonographic reporters.**

SECTION 4. It shall be lawful for the judge of the said Eleventh Judicial Circuit to appoint one or more phonographic reporters for the circuit court of any or either of the said counties therein. Said reporters shall be sworn officers of said court, and shall be skilled in the art of short hand reporting, one of whom shall attend upon each term of said court when requested by said judge so to do, and shall discharge such duties as the court or the judge thereof shall require. And the judge of said court may, in his discretion, remove such reporters, or any one of them, and may fill any vacancy caused by such removal, or from any other cause.

**Compensation of reporters.**

SECTION 5. Each of said reporters shall be allowed eight dollars per day for each and every day in actual attendance upon said court, when required by the judge thereof to attend, which shall be certified, audited and paid in like manner as is provided by law for the payment of the sheriff for attending upon the court, which said eight dollars per diem shall be in lieu of any and all fees now allowed for the services of any reporter in any county in said circuit: *provided*, that but one such reporter shall be employed at the same time.

**Duties of reporters.**

SECTION 6. It shall be the duty of said reporter, upon the request of a party to any suit, or the attorney

or attorneys of such party, the evidence in which suit shall have been taken by said reporter, to make and furnish transcripts of such evidence so taken by him, or any other proceedings had in such trial, to such party or his attorney, for which transcript so furnished said reporter shall be entitled to charge and receive from the party requiring the same to be made, ten cents for each folio of one hundred words. In the trial of criminal cases the court may, in its discretion, order a transcript of the evidence and proceedings to be made, certified, audited and paid for in the same manner as the per diem compensation of such reporter, and at the same rates, and in such cases the reporter's notes shall be written out in full, and filed with the clerk of the court.

Repealed.

SECTION 7. Any and all laws now in force permitting or authorizing the omission or dispensing with the drawing or summoning of petit jurors in either of said counties, at any term of court thereof, is hereby repealed: *provided*, that nothing herein contained shall be construed to repeal, modify or amend in any manner, chapters one hundred and twelve and one hundred and twenty-eight of the general laws of 1866, "relating to the mode of selecting jurors," and "to regulating the number of jurors to be drawn in the state."

Proviso.

Repealed.

SECTION 8. All acts or parts of acts now in force contravening the provisions of this act, are hereby repealed so far as they affect or contravene the provisions of this act.

SECTION 9. This act shall take effect and be in force from and after the 31st day of March, one thousand eight hundred and seventy-seven.

Approved February 15, 1877.

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[*Published February* 16, 1877.]

## CHAPTER 18.

**AN ACT relating to certificates of employes of the legislature, and amendatory of section 9 of chapter 345, of the laws of Wisconsin of 1876.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Per diem of employes.

SECTION 1. Section 9 of chapter 345, of the laws of Wisconsin of 1876, is hereby amended so as to read as

follows: Section 9. The per diem hereby established shall only be allowed from the commencement to the adjournment of the legislature. Each of the officers mentioned in this act is hereby authorized to receive his per diem from the treasury in the following manner: The chief clerk shall certify to the secretary of state the names of all persons employed in his department, the capacity they are employed in, and the number of days employed, which certificate shall be authenticated by the presiding officer of the senate or assembly, as the case may be. The sergeant-at-arms shall make a like certificate of all the persons employed in his depatment, which shall be authenticated in the same manner that the chief clerk's certificate is authenticated. The chairman of each committee authorized to employ a clerk shall make a like certificate for the clerk employed by such committee. On filing the certificates above mentioned with the secretary of state, he shall audit the accounts in favor of the persons named, in the same manner as other accounts are audited, and draw his warrant on the treasury therefor. At the close of each session of the legislature, the secretary of state shall publish in the official state paper a full list of the accounts audited under this act.

**Duty of chief clerk and sergeant-at-arms.**

**Secretary of state to publish list.**

Approved February 16, 1877.

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[*Published February* 19, 1877.]

## CHAPTER 19.

**AN ACT to amend section two of chapter 192, of the laws of 1875, entitled "An act to authorize William Dunlap to keep and maintain a ferry across Lake Pepin, from the village of Stockholm, Wis., to Lake City, Minn."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two of chapter 192, of the laws of Wisconsin for the year 1875, is hereby amended so as to read as follows: Section 2. William Dunlap or his assigns shall, within twenty-six (26) months after the passage of this act, place and maintain such good and sufficient boat or boats as may be necessary to carry across said lake all teams, horses, cattle, and other property, and accommodations for foot passengers, and shall cross at least four times per day, if weather and

**Authority to maintain ferry.**

ice will permit, Sundays excepted; *provided*, that this act shall in no way affect or prejudice the rights of any party or parties which may have been acquired in or to this charter by purchase or otherwise.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 16, 1877.

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[*Published February* 19, 1877.]

## CHAPTER 20.

**AN ACT to legalize the acts and proceedings of officers of the town of Rosendale, in assessment and collection of taxes to aid in the construction of the Sheboygan and Fond du Lac railroad.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Acts legalized.** SECTION 1. The several acts and proceedings of the officers of the town of Rosendale, in Fond du Lac county, and of each of them, in the subscription for stock and in the issue of bonds or orders of the said town to aid in the construction of the Sheboygan and Fond du Lac railroad, and in the assessment, levy and collection of the taxes to pay such bonds or orders, with the interest thereon, and which have been had or done in good faith in attempting to comply with or conform to the provisions of chapter 78 of the private and local laws of 1871, are hereby declared legal and valid to all intents and purposes, and shall be so taken and held to be in all the courts of this state.

**Action not to be maintained against town.** SECTION 2. No action shall lie nor be maintained in any of the courts of this state against the said town, nor against any of its officers, to recover back any money paid or collected for any tax assessed, collected, or purporting to have been assessed and collected under the authority and privileges conferred by said chapter 78 of the private and local laws of 1871.

**Act repealed.** SECTION 3. All acts and parts of acts in conflict with the provisions of this act, and especially chapter 88, of the general laws of 1870, so far as it would apply to any case arising out of said acts and proceedings in the first section of this act declared legal and valid, are hereby repealed.

SECTION 4. This act shall be construed to apply to all actions which shall have arisen and are now pending, as well as to each and every cause of action which may hereafter arise out of any alleged error, omission or illegality on the part of the officers of said town of Rosendale, or any of them, in any of their or either of their acts or proceedings declared valid by the first section of this act. Construction of act.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved February 16, 1877.

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[*Published February* 19, 1877.]

## CHAPTER 21.

**AN ACT to extend the time of exemption from assessment and taxation of certain lands, fixed in the act incorporating the Winnebago and Lake Superior Railroad Company, approved April 6, 1866, and in the act incorporating the Portage and Superior Railroad Company, approved April 9, 1866.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The time fixed in section 21, of an act entitled, "An act to incorporate the Winnebago and Lake Superior Railroad Company, and to execute the trust created by section 3, of the act of Congress, entitled, "An act granting lands to aid in the construction of certain railroads in the state of Wisconsin, approved May 5th, 1864," approved April 6, 1866, and in section 22, of an act entitled, "An act to incorporate the Portage and Superior Railroad Company, and to execute the trust created by an act of congress, entitled, "An act granting lands to aid in the construction of certain railroads in the state of Wisconsin, approved May 5, 1864," approved April 9th, 1866, during which the lands granted to said companies by said acts are exempted from all assessments and from all taxation whatsoever, for the term of ten years from the taking effect of said acts, is hereby extended three years. Amended. Time of exemption extended.

SECTION 2. It is hereby declared to be the object of this act to insure the completion of the Wisconsin Central railroad, and to secure the advantages therefrom arising, and the privileges and exemptions hereby granted are in consideration and on the express condition of Object of act.

the renewing of the work of construction by said company and the completion of said road to Lake Superior within the current calendar year.

Duty of commissioner and other officers.

SECTION 3. The land commissioner or other officers of said company having in charge the sale of the company's lands, shall, on or before the first day of May in each year, file with the county clerk of each county in which said company has sold lands, a statement, under oath, of all lands previously sold or contracted to be sold, or on which the timber has been previously sold or contracted to be sold, up to the fifteenth day of April, in the year 1877, and annually thereafter, and all such lands sold or contracted to be sold, or on which the timber has been sold or contracted to be sold, shall be from the date of such sale or contract subject to assessment and taxation.

Not to be exempt from taxes heretofore levied.

SECTION 4. The provisions of this act shall not apply to nor in any manner exempt said lands from the taxes which have been heretofore assessed against them, nor shall this exemption apply to any lands belonging to said company which have heretofore been, or may hereafter be platted or laid out in village or town lots, nor to any permanent improvements made upon such lands.

Repeal of exemption from licensed tax.

SECTION 5. So much of section 2, of chapter 113, of the laws of Wisconsin of 1875, which exempts the Wisconsin Central Railway Company from payment of its license fees during the time which by this act it is exempted from taxes on its lands, is hereby repealed.

When act to be void.

SECTION 6. The provisions of this act exempting said lands shall be null and void if the said railroad company shall neglect or refuse to comply with any of the conditions and provisions of this act on its part to be performed within the times therein limited.

Acts repealed.

SECTION 7. All acts or parts of acts so far as they conflict with the provisions of this act are hereby repealed, as for the purposes of this act.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved February 17, 1877.

[*Published February* 19, 1877.]

## CHAPTER 22.

**AN ACT to authorize the county board of supervisors of Milwaukee county to appropriate to Richard Rooney, late county treasurer, a certain sum of money.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The county board of supervisors of the county of Milwaukee are hereby authorized to audit, allow and pay, in the same manner that other accounts and claims against the county are audited, allowed and paid, to Richard Rooney, late county treasurer of said county, his account, claim and demand against said county, not exceeding the sum of twenty-five hundred dollars, for necessary clerical services and assistance, by him furnished the county, in his said office for and during the term thereof, commencing on the first Monday in January, A. D. 1875, and for which no provision was then provided by law. **Payment to Rich'rd Rooney authorized.**

SECTION 2. This act shall be published immediately, and shall take effect and be in force from and after its passage and publication.

Approved February 17, 1877.

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[*Published February* 26, 1877.]

## CHAPTER 23.

**AN ACT to authorize Peter Wilkinson, Ignez Steinmetz, William Owen, Amos Johnson, Darius Palmer, and others, to erect and maintain a dam across Leach Creek, in Sauk county.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Peter Wilkinson, Ignez Steinmetz, William Owen, Amos Johnson, Darius Palmer, and their associates, successors and assigns, are hereby authorized to construct and maintain a dam across Leach Creek in section 13, town 12 north, range 7 east, in the county of Sauk. Said dam to be constructed for the purpose of conducting the water through its original channel, and to prevent damages from back water in time of freshets. **Authority to maintain dam.**

Towns authorized to appropriate money.

SECTION 2. The town boards of supervisors of the towns through which this stream runs, are hereby authorized to appropriate such portion of the drainage fund of their respective towns for the erection and maintenance of said dam as in their judgment may be for the interest of the inhabitants of said towns.

Penalty for destroying dam.

SECTION 3. Any person or persons who shall willfully break or destroy said dam, or shall open the same, shall be liable to the proprietors thereof in an action of trespass to the amount of damage done, in addition to the penalty already provided by law, to be recovered before any court of competent jurisdiction.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved February 20, 1877.

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[*Published February* 26, 1877.]

## CHAPTER 24.

AN ACT to prevent the killing or disturbing wild pigeons while on their brooding grounds.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Unlawful to disturb pigeons when nesting.

SECTION 1. It shall be unlawful for any person or persons to use any gun or guns or fire arms, or in any manner to maim, kill, destroy or disturb any wild pigeon or pigeons at or within three miles of the place or places where they are gathered for the purpose of brooding their young, known as pigeon nestings. Nor shall any person or persons fire at or attempt to kill or destroy any such wild pigeon or pigeons, or disturb their nests within said limits anywhere within this state, at any time from the beginning of such nesting or brooding until the last hatching of such birds, and every person offending against the provisions of this section, shall be punished by a fine of not more than fifty dollars nor less than twenty dollars for each and every offense, together with the costs of suit, and shall be imprisoned in the county jail of the county wherein such offense was committed until such fine and costs are fully paid, or until discharged according to law; and in all convictions under this act one-half of all fines shall be paid over, by the justice of the peace before whom such trial is brought, to the person who shall have made the complaint in such case.

Penalty for violation of act.

SECTION 2. Justices of the peace shall have jurisdiction to hear, try and determine all cases arising under the provisions of this act; *provided*, the defendant shall not be deprived of a jury trial, nor of the right of appeal as in other cases. Jurisdiction of justices.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 20, 1877.

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[*Published February* 24, 1877.]

## CHAPTER 25.

**AN ACT in relation to the paving of Chestnut street, from the Milwaukee river to Fifth street, in the second ward of the city of Milwaukee.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The common council of the city of Milwaukee, with the concurrence of three-fourths of the aldermen elect and of a majority of the aldermen of the second ward of said city, is hereby authorized and empowered to cause Chestnut street, from the Milwaukee river to Fifth street, in the second ward of said city, to be paved with such kind of pavement as may be recommended by a majority of the aldermen of said second ward, and to cause the cost of such paving to be charged and assessed in the following proportions, to wit: one-third to the lots, parts of lots and parcels of land fronting on said improvement, and two-thirds to the ward fund of said second ward; *provided, however*, that all damages to property arising from any change of the established grade of said Chestnut street shall be assessed, charged and paid as now provided by law, and *provided, further*, that all provisions of the charter of said city, and the several acts amendatory thereof, in relation to the ordering of public improvements, and to the improving of streets in said city, not inconsistent with the provisions of this act, shall apply to the ordering and the doing of the work herein authorized. Council authorized to procure paving of Chestnut street. Proviso.

SECTION 2. The common council of said city is hereby authorized to levy, assess and collect in the year 1877, at the same time and in the same manner as other city taxes are levied, assessed and collected for said year, and in addition to the amount authorized by Council authorized to levy tax.

law to be raised by taxation for ward purposes in the second ward of said city, a tax of not exceeding two mills on the dollar, upon all taxable property, real and personal, liable to taxation in said ward for said year. Said special tax shall be used, applied and appropriated for the purpose of paying the portion chargeable to the second ward fund, of the work authorized by this act, any balance remaining to be used for other purposes properly chargeable to said ward fund.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 20, 1877.

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[*Published February* 24, 1877.]

## CHAPTER 26.

AN ACT to amend chapter 313 of the laws of 1876, entitled "An act to revise, consolidate and amend the charter of the city of Racine, and the several acts amendatory thereof."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 3 of title I. of said chapter 313, of the laws of 1876, is hereby amended by inserting in the ninth line of said section after the words "Seventh street," the words "with the east boundary line of the city."

Amended.

SECTION 2. Section 7 of title II. is hereby amended by striking out therefrom all after the words "common council."

Amended.

SECTION 3. Section 12 of said title II. is hereby amended by striking out therefrom the last sentence, commencing with the words: "When a vacancy shall occur."

Amended.

SECTION 4. Section 1 of title III. is hereby amended by striking out the words "enclosed in," in the fourteenth line of said section, and inserting in place thereof the words "endorsed on," and also by inserting after the words "such bond," in said fourteenth line, the words: "shall be at least double the sum named as the penalty in such bond."

Amended—Duties of mayor.

SECTION 5. Section 2 of title III. is hereby amended to read as follows: Section 2. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all

officers of the city discharge their respective duties. He shall, from time to time, give the common council such information, and recommend such measures as he may deem advantageous to the city. When present he shall preside at the meetings of the common council, and shall only vote therein on an equal division of the members present. The mayor shall be the chief executive officer of the city, and the head of the fire department and police; he may appoint as many temporary special policemen as he may deem necessary. He shall have power to administer oaths and to take acknowledgment of instruments.

SECTION 6. Section 3 of title III. is hereby amended by inserting after the word "mayor," in the sixth line of said section the words, "or of his inability to perform the duties of his office." Amended.

SECTION 7. Section 7 of title III. is hereby amended by striking out therefrom all after the words, "council shall direct," in the seventh line from the top of the page to the end of said section, and insert in place thereof the following words and sentences: "He shall collect and return all state, county, city and ward taxes and special assessments in the manner prescribed by law for town treasurers, except as herein otherwise provided. The common council shall fix his salary at a sum not to exceed fifteen hundred dollars, which shall be in full of all services by him rendered; and all fees by him collected shall be paid into the city treasury." Amended.

SECTION 8. Section 8 of title III. is hereby repealed. Repealed.

Section 9. Section 11 of title III. is hereby amended by inserting after the word "assessors," in the fifth line of said section, the words: "except that there shall be only one assessment roll for the whole city." Amended.

SECTION 10. Subdivision 63, at the end of section 3 of title IV., is hereby amended so as to read as follows: "63. To alter the boundaries of the wards of said city, and to increase the number thereof." Amended.

SECTION 11. Sections 1 and 2 of title V. are hereby amended so as to read as follows: Amended.

## TITLE V.

SECTION 1. The common council shall have the power to take private property for public use, and to lay out, open, establish, enlarge or widen public squares, grounds, streets and alleys in manner following, viz: Any ten or more freeholders, residing in any ward, may, by petition and plat accompanying the same, Taking of land for public use

represent to the common council that it is necessary to take certain land within the ward where such petitioners reside for public use for the purpose of laying out, opening, enlarging, extending or widening any public square, ground, street or alley, setting forth in such petition and plat the courses and distances, and metes and bounds of the lands proposed to be taken, and praying that such lands may be taken for such purposes, as authorized by law. Every person signing such petition shall make and annex thereto, his affidavit that he is a resident and freeholder in said ward, and thereupon such person shall be deemed to be such freeholder and resident, and such petition shall be held as valid and of the same effect as if every such person were such resident and freeholder, although it should afterwards appear that any of such affiants were not such residents and freeholders. Persons in actual possession of lands, under the agreement for the purchase thereof, shall be held to be such freeholders within the meaning and for the purposes of this act.

**Duty of council in taking property.**

SECTION 2. If the common council shall deem it proper to proceed in this matter, they shall cause such petition and plat to be filed and recorded by the city clerk, in a book to be kept for that purpose, and shall, by resolution, appoint a time and place, when and where such petition shall be heard before the said common council, of which hearing notice shall be given by the city clerk, by the publication of a notice in the official paper of the city, at least ten days prior to the time so fixed for the hearing of such petition. Every such notice shall specify, as near as possible, the boundaries of the land required for the purposes of the petition, shall designate the tracts of land through which the street or other proposed improvement will extend, and the names of the owners of such tracts, as far as the same may be ascertained from the latest assessment roll of said city, and shall also contain a statement of the time and place of hearing as fixed by the common council, and a statement in substance, that all parties interested may appear at such hearing and show cause why the prayer of the petitioners should not be granted, or make objections in relation thereto. The publication of such notice shall be a sufficient notice to all persons interested in any lands affected by the proceedings, and the affidavit of the printer or foreman of such official paper of the publication of such notice, shall be prima facie evidence of the publication thereof, in all courts and places. At the time and place appointed

for such hearing, the common council shall proceed to hear said petition and all persons interested, who shall have appeared and desire to contest the same. If it shall appear to the common council that the public good will be promoted by granting such petition, they shall then and there, by resolution, direct the city attorney (or other person designated therein), to apply to the judge of the Racine county court (or in case the judge shall be interested in the land proposed to be taken, or otherwise disqualified, or be absent or sick, then to a court commissioner residing in the city, who shall be named in said resolution), for the appointment of a jury to ascertain and decide upon the necessity of the proposed improvement, and for taking therefor the lands described in such petition. Such application shall be made by the person so directed, on the Monday next succeeding the day of such hearing, or if such day shall be a public holiday, then on the Tuesday following thereafter, at 10 o'clock A. M., as near as may be, at the office of such judge.

Amended.

SECTION 12. Section six of title five is hereby amended by inserting after the word "petition," in the fourth line thereof, the following words: "or any part thereof."

When commission unable to complete assessment.

SECTION 13. Section 8 of title 5 is hereby amended by striking out therefrom the last six lines of said section, and insert in place thereof the words, "But in case the commissioners shall report that they have been unable to complete the assessment the common council may, by resolution, extend the time for making such a report to the next succeeding regular council meeting. The commissioners shall meet and make their assessment and conduct their proceedings, upon the premises to be taken, or at the common council chamber, and they shall have power to administer oaths in taking testimony in the case.

Repealed.

SECTION 14. Section 15 of title 5 is hereby repealed.

Amended.

SECTION 15. Section 19 of title 5 is hereby amended by striking out therefrom all after the words "provided, however," and insert in place thereof the following words: "That no ordinance or resolution for the vacating of any street, alley or public ground, or any part thereof, shall be adopted unless such ordinance or resolution shall have been heard before the council, and notice of such hearing shall have been given as provided in section 2 of this title. On the vacation of any street, alley or public ground, or of any part thereof, the common council shall, upon the request of any

party interested, or may of its own motion, provide for the appointment of commissioners to assess damages and benefits, and such assessment shall have the same force and effect as assessments made upon the opening of streets.

Amended. SECTION 16. Section 3 of title 6 is hereby amended by striking out therefrom the words and figures "one thousand (1000)," where they occur, and insert in place thereof the words and figures, "fifteen hundred (1500)."

Amended. SECTION 17. Section 7 of title 6 is hereby amended by adding to the end of said section the following words: "And that the sum chargeable to any ward may be raised by a ward tax in addition to the amount authorized to be raised in such ward as an annual ward tax."

Amended. SECTION 18. Section 12 of title 6 is hereby amended by striking out the last sentence thereof, commencing with the words "such certificate," and insert in lieu thereof the following: "Such certificate shall, after the sale of taxes by the county treasurer, bear ten per cent. interest and be exchangeable with the city treasurer for tax certificates, on the lands sold for such special assessments, or be paid to the owner thereof, after the amount thereof shall have been received into the city treasury."

Amended. SECTION 19. Section 1 of title 12 of said act is hereby amended by striking out all between the words "city treasurer," in the seventh line of said section, and the words "the assessor," in the tenth line of said section, and insert in place thereof the following words, viz.: "For all services by him to be rendered, fifteen hundred dollars; to the city attorney, five hundred dollars."

Amended. SECTION 20. Section 1 of title 13 is hereby amended by inserting after the word "shall," in the third line of said section, the words following, viz.: "On or before the first Monday of September of each year." And also by striking out all of subdivision eight in said section, and insert in place thereof the following, viz.: "8. A sum not exceeding fifteen hundred dollars may be levied annually on the taxable property of each ward, for lighting the streets of such ward and for other ward purposes."

Amended. SECTION 21. Title 14 of said act is hereby repealed, and the following title inserted in place thereof, viz:

## TITLE XIV.

### ASSESSMENT AND COLLECTION OF TAXES.

Assessment and collection of taxes.

SECTION 1. After the completion of the assessment and correction of the assessment-roll returned by the assessors, the city clerk shall, within the time required by law, make an aggregate abstract of the assessment and statistics required by law, and return the same to the county clerk of Racine county in pursuance with the general law; he shall also prepare a tax-roll in the usual form with appropriate columns and headings for general city, ward, special, school, and state and county taxes, on which he shall carry out opposite to the description of each parcel of land, and to the names of each person taxed the appropriate proportion of the state, county and school taxes, as certified by the county clerk of Racine county, as the apportionment of taxes against the city, and the general city, ward and special taxes and assessments levied by the common council. To such tax-roll shall be annexed a warrant signed by the mayor and city clerk, and sealed with the corporate seal of the city, directed to the city treasurer, commanding him to collect the taxes and assessments therein specified. Such tax-roll, before being delivered to said treasurer, shall be compared by the clerk with the corrected assessment-roll; and he shall append to it his certificate, that the same has been so compared by him, and that the said assessment-roll and the whole thereof has been copied by him into said tax-roll; and said tax-roll, when so certified, shall be *prima facie* evidence in any court, that the lands and persons therein named, were subject to taxation, and that the assessment was just and equal.

Duty of city treasurer in collection of taxes.

SECTION 2. The city treasurer, upon receipt of the tax-roll, shall proceed to collect the taxes and assessments at the same time, as is required by law of town treasurers to collect taxes.

The same.

SECTION 3. The city treasurer shall, upon the receipt of the tax-roll, publish a notice in the official paper of the city and in such other local paper as he may deem proper, specifying that all taxes and assessments, whether upon real or personal property in said tax-roll, shall be paid before the last day of December of each year, and that all taxes and assessments not paid by that day will be collected by the seizure and sale of the goods and chattels of the person, company or corporation charged with such taxes and assess-

ments, and the publication of such notice shall be deemed and taken to be a demand, and failure to pay the taxes and assessments within the time limited in such notice, shall be deemed a refusal to pay the same. The city treasurer shall charge no fees for collection of taxes and assessments paid to and collected by him prior to the first day of January of each year, and shall charge and collect five per cent. upon all taxes and assessments remaining unpaid on the first day of January of each year; *provided*, that the common council shall have power to extend the time for collecting such taxes for a period not exceeding thirty days.

**Seizure and sale of goods for taxes.**

SECTION 4. At the expiration of the time specified for the collection of taxes the city treasurer shall proceed to collect such taxes and assessments remaining unpaid, by seizure and sale of the goods and chattels of the respective persons or corporations, and he shall have the same powers to collect such taxes and assessments, and to levy the same by distress and sale of the goods and chattels of the person owing such taxes and to sue for the same, as is, or may be given to town treasurers. And the city treasurer may make a list of such delinquent taxes on real and personal property, and attach or affix thereto his warrant directed to the chief of police of the city, requiring and commanding him to collect such taxes and assessments, of the persons or corporations liable to pay the same, by the seizure and sale of their goods and chattels. The chief of police shall proceed to collect such taxes and assessments as directed, and make return of the warrant, within the time to be specified in such warrant, to the city treasurer, and the chief of police shall have the same powers to collect and levy such taxes by distress and sale as is given to the city treasurer, and to his return he shall annex his affidavit, that after diligent inquiry, he has been unable to discover any goods or chattels belonging to persons or corporations charged with such taxes, as shall then remain unpaid on his tax list. The chief of police shall receive as compensation five per cent. collection fee upon all taxes by him collected, and in addition thereto, in case of a levy and sale, such further fees as are allowed to constables upon a levy on execution. The chief of police, before receiving such tax list, shall execute to the city treas-treasurer a bond in such penal sum as the treasurer shall require, conditioned that he will account [for] and pay over to the treasurer all taxes by him collected, and make due return of his warrant whenever required.

SECTION 5. In case no goods or chattels shall be found out of which to collect the taxes on any lot or real estate, it shall be the duty of the city treasurer to make a delinquent return to the county treasurer of Racine county, of all such taxes and assessments on real estate in said city, at the time and in the manner as required by town treasurers, and at such time he shall pay over to the county treasurer all moneys collected by him belonging to said county, and all state taxes in the same manner as required by law of town treasurers. When no goods can be found.

SECTION 6. It shall be the duty of the county treasurer of Racine county, and he is hereby required, when lots or pieces or parcels of land have been returned by said city treasurer for any tax or assessment authorized by law, immediately after the sale of the lands for delinquent taxes, to pay to the city treasurer the amount which may have been returned delinquent, belonging to said city, either in cash or in certificates of sale of the lots or parcels of land returned as delinquent. Duty of county treasurer.

SECTION 7. The city treasurer may at any time after his return of delinquent taxes on real property, proceed in the collection of any taxes on personal property remaining unpaid, and may issue new warrants for the collection of personal property taxes to the chief of police, and may in such lists include unpaid personal property taxes for any previous years; and such taxes may be collected in the same manner as herein prescribed. Collection of taxes on personal property

SECTION 8. All directions herein given for the assessment of lands, and levying and collection of taxes and assessments, shall be deemed only directory, and no error or informality in any of the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or affect the validity of the tax so assessed. Informalities not to vitiate validity of tax.

SECTION 9. After the tax-roll shall have been delivered to the city treasurer, it shall not be lawful for the common council to remit, annul or cancel any tax charged against any real or personal property, except in the following specified cases: When remission of taxes lawful.

1st. When a clerical error shall have been made in transcribing the assessment from the assessment-roll to the tax-roll, or in the extension of the tax.

2d. When, by an error of the assessors, improvements shall have been assessed on the wrong parcel of land.

3d. When the property taxed shall be exempt from taxation.

4th. When a person has been assessed the same year for the same personal property in more than one ward.

Liability of treasurer and chief of police.

SECTION 10. The city treasurer and chief of police shall be liable, on their respective bonds, for any loss accruing by their default or negligence in the collection of taxes under the warrants directed to them.

Lands may be redeemed.

SECTION 11. Lands heretofore sold for taxes by the city treasurer may be redeemed, or tax-deeds issued thereon, as provided by the statute, by virtue of which such lands were sold by the city treasurer.

SECTION 12. This act shall be in force from and after its passage.

Approved February 20, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 27.

AN ACT to amend section 1, of chapter 211, of the laws of 1874, entitled, "An act relating to the purchase of stationery."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 1 of chapter 211 of the laws of 1874, is hereby amended so as to read as follows: Section 1. It shall be the duty of the Superintendent of Public Property to provide samples of all stationery necessary for the use of the state, and keep such samples for inspection in his office, and to furnish specimens of such samples to any person requiring such specimens for the purpose of bidding for furnishing such stationery, as far as the specimens demanded are of a kind to be furnished, and to advertise in one of the newspapers in the city of Madison, the city of Milwaukee, and the city of Chicago, weekly, for four weeks, for bids for furnishing the state with the necessary stationery for the use of the state, and to let the contract for furnishing such stationery at such time and in such quantities as he shall deem necessary and proper, to the lowest bidder, who shall furnish security, satisfactory to the Superintendent of Public Property, that he will furnish such stationery according to the terms of his bid and the contract entered into in pursuance of such bid: *provided, however*, preference shall always be given to any bidder residing and doing business in the

Duty of superintendent of public property in purchasing stationery.

state of Wisconsin, if said bid shall be as low, freight added, as that of any other bidder not doing business in the state.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 20, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 28.

**AN ACT to amend chapter 133 of the private and local laws of 1857, entitled "An act to consolidate and amend the act to incorporate the city of Kenosha, and the several acts amendatory thereof."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter 5 of said chapter 133 of the private and local laws of 1857, entitled "An act to consolidate and amend the act to incorporate the city of Kenosha, and the several acts amendatory thereof," is hereby amended by adding to said chapter 5 an additional section, to be known as section 10, and to read as follows: Section 10. The common council shall also have power to authorize the construction of suitable piers, breakwaters, sheet piling and such other protections as may be planned or devised for the purpose of protecting the lake shore within the limits of said city from the encroachments of the waters of Lake Michigan, and to make the necessary appropriations therefor, and to levy a tax to pay the same. But no such improvement shall be authorized by said council until a plan of the same shall have been submitted to them in writing, and a careful estimate of the cost thereof made, and the same when authorized, shall be let by contract to the lowest bidder or bidders, reasonable notice having been given of the time and place of receiving bids. The council may, by resolution, require any person presenting a bid for such work, or any part thereof, to furnish a sufficient and satisfactory bond, in such sum as said council shall direct, conditioned for the skillful, prompt completion of the work contracted by his bid, in accordance with the plans and specifications agreed upon. And the council may refuse to receive any bid not accompanied by such bond.

**Amended.**

**Power of council to erect piers, etc.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 20, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 29.

AN ACT to amend chapter 254 of the private and local laws of 1868, and the several acts amendatory thereof, being the acts revising and consolidating, and the acts amending the charter of the city of Sheboygan, and to repeal chapter 111 of the laws of 1875.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Office of city assessor revived and other offices abolished.

SECTION 1. The office of city assessor in and for the city of Sheboygan is hereby revived and re-established and the offices of tax commissioner and of ward assessors in said city are hereby abolished, and chapter one hundred and eleven of the laws of 1875 is hereby repealed. The city assessor shall hold his office for the term of two years, and shall be elected by the people at the annual municipal election, and shall receive such yearly salary as shall be fixed by the common council, not exceeding five hundred dollars per annum. The first election of city assessor under this act shall take place at the municipal election, held in April, 1877.

Amended.

SECTION 2. Section 1, of chapter three, of said chapter 254, of the private and local laws of 1868, is hereby amended so as to read as follows: "Section 1. The municipal government of the city shall consist of a common council composed of the mayor and three aldermen from each ward. The other officers of the corporation shall consist of a comptroller, city clerk, city treasurer, city attorney, city marshal, city surveyor, city assessor, poor master, one justice of the peace for the city at large, harbor master, sealer of weights and measures, three school commissioners (one of whom shall be appointed by the common council as superintendent of schools), three cemetery commissioners, together with the water and park commissioners, and such other officers as may be provided for by the charter and such as the common council shall, from time to time, appoint. There shall also be a justice of the peace and a constable for each ward, as heretofore provided by law."

Municipal government.

SECTION 3. The city marshal shall be appointed annually, by the mayor, by and with the consent of the common council. He shall have and possess all the rights, powers and privileges of a constable, and shall be the chief police officer of the city, subject to the direction and control of the mayor and of the common council, and shall perform such other and further duties as may be prescribed by the common council. His salary shall be fixed by the common council, and he shall further be entitled to the fees of a constable for all services performed, provided that the city shall in no wise be or become chargeable with any such fees in any proceedings or prosecution. The city marshal shall be removable by a two-thirds vote of the common council, at any time, and in such case another appointment shall be made for the unexpired term in like manner as hereinbefore provided. City marshal.

SECTION 4. The three cemetery commissioners shall be elected by the common council, and shall hold their offices for the term of five years, from the first day of May of the year in which they are elected. They shall constitute a board of cemetery commissioners, and shall organize by the election of a president and a clerk and treasurer. Such board shall have the supervision, care and charge of the cemetery of the city, under regulations of the common council and control of all the funds thereof, which shall be kept by and deposited with the treasurer thereof, and disbursed by him upon the order of the board. The common council shall by ordinance establish such rules and regulations in relation to their duties and supervision as they shall from time to time deem proper. The duties of clerk and treasurer may be filled by one person who shall be a member of said board and shall receive out of the cemetery fund such compensation as shall be prescribed by the said board and approved by the common council. Cemetery commissioners.

SECTION 5. Section 5 of chapter 3 of said chapter 254 is hereby amended so as to read as follows: "Section 5. The comptroller, city clerk, city treasurer and city marshal, and such other officers as the common council may require, shall severally, before they enter upon the duties of their respective offices, execute to the city of Sheboygan a bond, with at least two sureties, accompanied by the affidavits of such sureties in which each shall state that he is worth a certain sum mentioned in such affidavit, over and above all his debts Amended. Officers to give bonds.

and liabilities, in property not by law exempt from execution, and which sums so sworn to by such sureties on each bond shall in the aggregate exceed the penalty therein specified. Such bonds shall contain such penal sum and such conditions as the common council shall prescribe, and the common council may from time to time require of such officers new and additional bonds, and when executed and approved in such manner as the common council shall require, the bonds shall be filed and recorded in the office of the city clerk within fifteen days after the officer executing the same shall have notice of his election or appointment."

Amended.

SECTION 6. The subdivision of said chapter 254, designated therein as chapter eleven, is hereby amended and revised to read as follows:

## CHAPTER 11.

Taxation.

SECTION 1. All property in said city, real, personal and mixed, shall be subject to taxation for all purposes authorized by law, excepting only such property as is or shall be exempted from taxation by general laws exempting from taxation throughout the state particular classes of property or property of particular classes of corporations or persons, and the same shall be assessed by the city assessor, in the manner provided by general law, except as hereinafter expressly prescribed, and for such purpose the city assessor shall have and possess the same and all the powers that are or may be conferred upon town assessors, and the common council may prescribe the form of assessment roll, or more fully define the duties of assessor, and make such rules and regulations in relation to revising, altering or adding to such rolls, and may require of the city assessor that he obtain, and file or record, information deemed serviceable in making or correcting assessments, as they shall from time to time deem advisable, not inconsistent with the provisions of this act.

City assessor.

SECTION 2. The city assessor shall have and keep an office as prescribed by the common council, and shall have and keep therein such records of taxable real property, and of personal property and persons and corporations liable to assessment, as shall be required by the common council. At the time designated by law, or within such time as the common council shall prescribe, the city assessor shall proceed to examine and determine the valuations of taxable real and personal property within said city, and shall enter the

same upon an assessment roll in the manner provided by general law, with such additions as may be prescribed by the common council.

SECTION 3. Such assessment roll shall be made and completed by the city assessor on or before the first Monday of August in each year, and shall then be submitted to the board of review of said city. Assessment roll.

SECTION 4. The board of review for the city of Sheboygan shall consist of the mayor, city assessor and city clerk. The board of review shall meet annally on the first Monday in August, at the city clerk's office. A majority shall constitute a quorum. Notice of the time and place of such meeting shall be given by the assessor by publication in the official papers of the city, at least one week prior to such first meeting. Excepting as to such time of meeting the said board of review shall proceed thereupon in relation to such assessment roll and assessments, and shall have and possess all the powers of a board of review as now prescribed or shall hereafter be prescribed by general law, excepting as may be herein otherwise provided. The mayor only, while sitting upon such board of review, shall receive as compensation for his services the sum of three dollars per day for the time actually employed. Board of review

SECTION 5. After the assessment roll shall have been examined, corrected and completed by the board of review, the city assessor shall deliver the same to the comptroller, duly verified by the oath of the assessor thereto annexed, as required by law, together with the sworn statements and valuations of personal property, and the comptroller shall file and preserve such statements in his office. Comptroller shall file statements.

SECTION 6. The comptroller upon receiving such assessment rolls shall examine and perfect the same, and make out therefrom a complete tax roll in manner and form as prescribed by law for town clerks. The common council shall at such time thereafter as they may deem proper, and on or before the first Monday in November, by resolution levy such sum or sums of money or taxes as may be sufficient for the several purposes authorized by law, not exceeding the amounts so authorized, excepting that for the payment of bonds and interest upon the bonded indebtedness, they may levy such amount as shall be necessary, and in such resolution shall particularly specify the purposes or funds for which such levy or levies are made, and may state the same either as percentage upon the assessed valuation or in a specified sum. Duty of comptroller.

Duty of comptroller.

SECTION 7. Immediately after the county clerk shall certify to the comptroller the amount of taxes levied by the county board of supervisors to be paid by said city, the comptroller shall apportion and extend upon the tax roll upon a uniform percentage by setting opposite to the description of each lot or tract of land, and to the name of each person named in said roll, in proper columns, such proportionate share of the taxes so levied, in or upon said city, as may be chargeable upon such lot or tract of land, or against such person, including five per cent. collection fees. The percentages levied for the several funds, except the ward funds and benefits and damages by special assessments may be carried out on said roll in one column, unless the common council shall otherwise direct.

Warrant to be appended to tax roll.

SECTION 8. To such tax roll shall be appended a warrant signed by the mayor and city clerk, directed to the treasurer, requiring and commanding him to collect the taxes and assessments on said tax roll.

Comptroller to certify to comparison of tax roll.

SECTION 9. Such tax roll before being so delivered to the treasurer shall be carefully compared by the comptroller with the assessment roll as corrected, and to it he shall append his certificate that the same has been so compared by him and is correct, and the said tax roll, when so certified, shall be *prima facie* evidence in any court that the lands and persons therein named were subject to taxation as therein set forth, and that the assessment was just and equal.

Special assessments.

SECTION 10. In all cases when by the provisions of law any special charge or assessment is made a lien upon land, the amount of such charge or assessment shall be carried out on the tax roll in a separate column or columns, opposite the lot or tract upon which the same may be a lien, and the treasurer shall collect and do all other acts in relation thereto in the same manner as if the amount thereof was a general tax.

When taxes may be remitted.

Section 11. After the assessment roll is completed, the rate of taxation is fixed, the taxes are extended, and the tax roll is placed in the hands of the city treasurer for collection, it shall not be lawful for the common council to remit, amend, or cancel any tax charged against any real or personal property, except in the following specified cases:

1. When a clerical error has been made in the description or transfer of the property from the original assessment books to the tax roll or in the extension of the tax.

2. When improvements by the erection of buildings

have been assessed on lots or lands where none had been made at the time fixed by law for making the assessments.

3. When the tax is manifestly illegal and void, by reason of the exemption of the property from taxation by law.

4. When a person has been assessed the same year for the same personal property in more than one ward.

Property previously omitted to be assessed for back years.

SECTION 12. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment or tax roll of either or both of the two preceding years, and that the same was then liable to taxation, or that any personal property liable to taxation was so omitted, or that by any error in copying or carrying out the tax roll the amount properly chargeable to any lot, property or person has in any way been omitted or diminished, then the assessor shall enter, or cause the same to be entered, upon the assessmnt roll for the current year, as an additional assessment to such property or person, in the amount so omitted, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if included in the year when the same was omitted, and shall be collected in like manner with other entries upon the tax roll.

Duty of city treasurer.

SECTION 13. Upon the receipt of such tax roll by the city treasurer it shall be his duty to give public notice in a newspaper published in said city that said tax roll has been committed to him for collection, and that he will receive payment for taxes at his office for the term of twenty days next ensuing the date of said notice, and all persons paying taxes during such time shall be allowed a discount of three-fifths of the amount included or named in the roll for collection fees; *provided*, that the common council may extend the time for such payment, not exceeding twenty days further. After the expiration of said twenty days, or of the extended time, the city treasurer shall proceed to collect the taxes charged in said roll and remaining unpaid, and to levy the same by distress and sale, in the manner provided by the general laws of this state for the collection of taxes by town treasurers, and for that purpose shall have and possess all the powers conferred upon town treasurers. The common council of said city shall have power to extend the warrant for collection of taxes in said city for such period of time, not exceeding sixty days, as they may deem necessary, and the treasurer shall have the same power and authority

to proceed in the collection of taxes and in enforcing the same after as before such extension of the warrant, and his return thereupon shall be as valid and effectual as if made pursuant to the direction of the original warrant.

Delinquent taxes.

SECTION 14. If any taxes mentioned in said tax roll annexed to his warrant shall remain unpaid, either on real estate or personal estate, and he shall be unable to collect the same, he shall make out a statement of the taxes so remaining unpaid, distinguishing between such as are real and personal estate by setting them down separately, with a full description of the real estate from his roll and the name of the person taxed, if therein specified, and the list so made with the affidavit thereto attached, stating that the taxes therein contained had not been collected, and that he had been unable, after diligent search, to find goods and chattels belonging to the person or persons charged with said unpaid taxes, out of which to collect the taxes, shall be called the delinquent list, and it shall be his duty to deliver such delinquent list to the treasurer of the county of Sheboygan, at such time as is required by law, and he shall at the same time pay over to said county treasurer all moneys collected by him belonging to the county of Sheboygan, and all taxes belonging to the state of Wisconsin, in the same manner as required by law of town treasurers.

Errors not to vitiate validity of tax.

SECTION 15. All directions hereby given for the assessment of lands and the levying and collection of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any way affect the validity of the tax so assessed.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved February 20, 1877.

[*Published February* 27, 1877.]

# CHAPTER 30.

AN ACT to incorporate the city of Darlington.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

## CHAPTER I.

### BOUNDARIES.

General powers of corporation.

SECTION 1. All the district of country in the county of La Fayette contained within the limits and boundaries hereinafter described shall be a city by the name of Darlington, and the people now inhabiting, and those who shall hereafter inhabit the district of country so described, shall be a municipal corporation by the name of the city of Darlington, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession and shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

City limits.

SECTION 2. The west half of southwest quarter of section thirty-five (35) in town three (3), range three (3), fraction seven (7) and eight (8), in section thirty-four (34), in town three (3), range three (3), fractions one (1), two (2), three (3), and four (4), in section three (3), town two (2), range three (3); southeast quarter of northwest quarter of section three (3), town two (2), range three (3), northeast quarter of southwest quarter of section three (3), town two (2), range three (3), north half of southeast quarter of section three (3), town two (2), range three (3); and also commence at the northwest corner of fraction six (6), in section two (2), town two (2), range three (3); thence east on north line of said fraction twenty (20) chains, thence south to south bank of Pecatonica river, thence west along the bank of said river to west line of section two (2), thence north on the said line to place of beginning; all east of fourth (4th) principal meridian shall be included within and constitute the territory comprising the city of Darlington.

## CHAPTER II.

### CORPORATE POWERS, IN WHOM VESTED.

Election of city officers.

SECTION 1. The government of said corporation, the exercise of its corporate powers, the management of its fiscal, prudential and municipal concerns, shall be vested in a mayor and a common council consisting of five (5) members, one clerk, one treasurer, one marshal, and such other officers as the common council shall ordain. The mayor and members of the common council shall be elected by the qualified voters of the said corporation, on the 1st Monday of March, 1877, and on the first Monday in March in each year thereafter, and shall hold their respective offices for one year, and until their successors are elected and qualified. There shall also be elected at the same time one justice of the peace for the term of two (2) years, who shall possess the same power and jurisdiction, and qualify in the same manner as justices of the peace under the general laws of this state, and the justices of the peace now in office shall continue in office until the expiration of their term. The clerk shall give at least ten (10) days notice of the time and place of holding any election, and the mayor and common council or any three (3) members of the same, shall preside and be judges of election at every such election, and any vacancy in the office of mayor or common council shall be filled by the common council; all other officers shall be appointed by the common council, and shall hold their office during the term for which the common council is elected and until their successors are appointed and qualified, and shall be subject to removal by the common council.

First election.

SECTION 2. Notice of the first election of officers under this act shall be given by the clerk of the village of Darlington, as required by this act, and the president and trustees of said village of Darlington, or a majority of them, shall be the judges of election, and with the clerk of said village shall constitute the election board of said first election.

## CHAPTER III.

### OF ELECTIONS.

Qualification of electors.

SECTION 1. All persons qualified to vote who have resided *bona fide* in said city for ten (10) days previous to the time of such election, shall be legal voters for

corporation officers. No person shall be eligible to the office of mayor, member of the common council or treasurer, unless he is a freeholder and voter therein. The voters present at any election may appoint three voters to act as judges of election in case there shall not be a quorum of the council present to conduct the election.

How elections conducted.

SECTION 2. At all elections held under this act the polls shall be opened at one o'clock in the afternoon, and shall continue open until five o'clock in the afternoon of the same day; and the election shall be by ballot, conducted in the same manner as far as may be, as general elections, and a plurality of votes shall in all cases decide the election.

Special elections.

SECTION 3. In case such officers, or any of them, shall not be elected, as herein provided, the corporation shall not thereby be dissolved, but a special election of mayor and members of the common council may be held as herein provided for annual elections, and in case there shall be no officer to give notice thereof, then such notice shall be given by any ten freeholder voters of said city, as herein provided for annual elections.

Oath of elector.

SECTION 4. If either of the judges of election shall suspect that any person offering a vote does not possess the qualifications of an elector, or if any vote shall be challenged by an elector, the judges of election, before receiving the vote of such person, shall require him to take the following oath, which either of said judges of election is hereby authorized to administer: "You do solemnly swear (or affirm, as the case may be), that you are twenty-one years of age; that you are a citizen of the United States (or have declared your intention to become a citizen conformably to the laws of the United States on the subject of naturalization); that you have resided in this city during the last ten days, and that you now reside therein, and that you have been a resident of this state during the last preceding year; that you have not voted at this election, and that you have made no bet or wager, and have not become directly or indirectly interested in any bet or wager depending upon the result of this election." And if the person so offering to vote shall take such oath, his vote shall be received. If such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon indictment or information, shall suffer the punishment provided by law for persons guilty of

Penalty for illegal voting.

perjury. If any person who is not a qualified voter shall vote at any election, or shall vote more than once at any one election, he shall be liable to a criminal prosecution, by indictment or information, and on conviction thereof, shall forfeit and pay a sum not exceeding fifty (50) dollars nor less than ten (10). It shall be the duty of the judges of election to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes; and if any judge of election shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns for an election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every such judge of election and clerk, shall be liable to be prosecuted therefor, by indictment or information, and on conviction thereof shall forfeit a sum not exceeding one hundred (100) dollars for each offense.

**Officers to take oath of office.**

SECTION 5. Every officer elected or appointed under this act, before he enters upon the duties of his office, and within ten days after his appointment and election, shall take an oath and file the same with the clerk, faithfully to discharge the duties of his office, and to support the constitution of the United States and of this state, and the laws thereof.

## CHAPTER IV.

### THE DUTIES OF OFFICERS.

**Treasurer and marshal to give bonds.**

SECTION 1. The treasurer and marshal before they enter upon the duties of their offices shall severally give bonds to the council in such sum, with such conditions, and with such sureties as said council shall direct.

**Duties of mayor**

SECTION 2. The mayor shall preside at all meetings of the council, sign all commissions, licenses and permits which may be granted by the council, but shall not be entitled to a vote on any subject before the council. He shall maintain peace and good order, and see that the ordinances of the city are observed and executed. A municipal court is hereby created in the said city, to be styled "the police court," and the person elected as mayor of said city shall be elected on the same ballot as "mayor and police justice," who shall hold the said police court, and he shall have power to administer oaths and affirmations, and to take and certify acknowledgments and proofs of the execution of deeds

and other instruments in writing relative to real estate or other matters required by law to be acknowledged or recorded, or both. As a judicial officer and court, the said justice and court shall have and possess all the authority, jurisdiction, powers and rights of justices of the peace and justices' courts in civil and criminal proceedings, and shall have exclusive jurisdiction of all civil and criminal actions and cases for the violation of any provisions of this act or of any ordinance, by-law, rule, regulation or resolution of said city; and as police justice he shall receive the same fees as a justice of the peace receives for his services; but the city shall not be liable for his fees, except such as accrue in prosecutions or actions brought in the name of the corporation for the violation of the provisions of this act, or for the violation of the ordinances of the said city.

Common council.

SECTION 3. The council shall prescribe the time and fix the place of their meetings, which shall at all times be open to the public, and shall determine the rules of their proceedings and keep a journal thereof, which shall be open for the inspection of every respectable citizen, at all reasonsble times and hours, and shall have the power to preserve order and propriety in their proceedings, and may adopt such by-laws, rules and regulations for their government as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of its members.

Officers of the peace.

SECTION 4. The mayor, each and every member of the council, marshal, each and every justice of the peace and constable of the county in which said city is situated, shall be officers of the peace, and may command the peace and suppress, in a summary manner, all rioting and disorderly behaviour, in a manner consistent with law and the ordinances, by-laws, rules, regulations and resolutions of said city, within the limits thereof; and for such purpose may command the assistance of bystanders, and if need be all citizens; and if any person refuses to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of ten dollars.

Duties of city marshal.

SECTION 5. The marshal shall posses all the power and enjoy all the rights of a constable of this state, and be subject to the same liabilities. It shall be his duty to execute all writs and process to him directed by the mayor or other judicial officer, and when necessary in criminal cases, or for violation of any of the provisions of this act, or of any ordinance of said city, or by-laws, rule, regulation or resolution thereof, he may serve the

same in any part of the state of Wisconsin. It shall be his duty to supress all riots, disturbances and breaches of the peace, and to apprehend all disorderly persons in said city, and pursue and arrest any person fleeing from justice, in any part of the state of Wisconsin, to apprehend any person in the act of committing any offense against the provisions of this act, or of the laws of this state, or the ordinances, by-laws, rules, regulations or resolutions of the city, with or without process, and forthwith to bring such person before competent authority for examination; and for such, and other services, he shall receive like fees as are allowed to constables for like services. Any peace officer may, and it shall be the duty of the marshal to, arrest without process any person found in a state of intoxication, or guilty of immoderate drinking, improper reveling, indecent exposure of the person, or noisy, boisterous or disorderly conduct in the streets or public places, and take such person or persons forthwith before the police justice, or keep them until they become sober, in confinement, or until such time as said justice can reasonably hear and dispose of such offender. It shall be the duty of the marshal to see that all hawkers, peddlers and common showmen, and all other exhibitors pay their licenses according to law and this act, and the ordinances of the city; and in default of payment to prosecute for the same in the corporate name of the city, and pay over the same to the treasurer when received by him.

**Duties of city treasurer.**

SECTION 6. The treasurer of the city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances, rules, regulations, resolutions or by-laws of said city, and by law. All money raised, received, recovered and collected by means of any tax, license, fine, forfeiture or otherwise, under the authority of this act, or which belongs to said city, shall be paid to and received by him, and shall not be drawn therefrom except by a written order signed by the mayor and countersigned by the clerk, by order of the council. Such order shall specify the amount of money to be drawn and its objects. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer in a book to be provided by the council for that purpose, which shall remain the property of the city, wherein he shall note the time when the person from whom the amount of the several sums received, and the source from whence the said sums arose, which said book, at

all reasonable times, shall be open to the inspection of the electors of the city. He shall, as often as the council requires, render a minute account of his receipts and payments, and at the expiration of his term of office he shall pay over and deliver to his successor all moneys, books and vouchers in his possession belonging to said city.

Duties of city clerk.

SECTION 7. It shall be the duty of the clerk to keep a record of the transactions of the common council, especially of the passing of by-laws, ordinances, rules resolutions and regulations, and also a faithful record of the doings and votes of the inhabitants of said city, at their annual and other legal meetings; and to keep on file all papers which may be ordered by the council. The records kept by the clerk shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the record of proceedings of the common council certified by him under the corporate seal, shall be evidence in all courts of the contents of the same. He shall keep the corporate seal of the said city. He shall keep a full and accurate account of all orders drawn on the treasury, in a book provided for that purpose, and shall keep all accounts of the corporation with individuals, and shall also keep an accurate account with the treasurer, and charge him with all taxes levied, and sums of money paid into the treasury, and all receipts for the payment of money or property to the treasurer, shall be countersigned by the clerk before they shall be a legal voucher against the city. The clerk shall have power to administer oaths.

Duties of city attorney.

SECTION 8. The attorney shall conduct all the law business of the city and of the departments thereof, and all other law business in which the city shall be interested, when so ordered by the common council. He shall, when required, furnish written opinions upon subjects submitted to him by the mayor or council. He shall keep a docket of all cases to which the city may be a party in any court of record, in which shall be briefly entered all steps taken in each cause, and which shall, at all times be open to the inspection of the mayor or council. It shall also be the duty of the city attorney to draft all ordinances, bonds, contracts, leases, conveyances and other instruments of writing as may be required by the business of the city; to examine and inspect tax and assessment rolls, and all proceedings in reference to the levying and collection of taxes and assessments, and to perform such other duties as may be prescribed by the charter and ordinances of the city.

Other duties of officers.

SECTION 9. The council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be neccessary to carry into effect the provisions of this act, and to prescribe their duties and to fix the compensation of all officers elected or appointed by them. Such compensation shall be fixed by resolution at the time the office is created or at the commencement of the year, and shall not be increased or dimished during the term such officer shall remain in office.

Penalty for withholding books, etc.

SECTION 10. If any person having been an officer in said city shall not within ten days after notification and request, deliver to his successor in office all property, moneys, books, papers and effects of every description in his possession belonging to said city, or pertaining to the office he may have held, he shall pay and forfeit to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Style of ordinances.

SECTION 11. The style of all ordinances passed by the council shall be, "The mayor and common council of the city of Darlington do ordain as follows." The mayor and three members of the council, or four members of the council, shall constitute a quorum for the transaction of any business, and in the absence of the mayor, the members of the council present shall appoint one of their number president *pro tem.*, who shall possess all the powers of the mayor, except as police justice.

## CHAPTER V.

### OF EXCISE.

Excise regulations.

SECTION 1. The council shall have the exclusive authority, within the corporate limits of the said city, to grant or refuse according to law or ordinance, or both, licenses for selling wine, beer, or cider, or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed liquors, liquids or drinks; regulate and license groceries, taverns, hotels, victualing houses, and saloons, where such liquors are sold, and all persons vending or dealing in any such liquors, drinks or liquids, and to revoke the same; and no person shall sell, vend, deal in, or for the purpose of evading the provisions of law or of this act, or the ordinances of said

city, give away any such wine, beer, cider, or intoxicating, spirituous, alcoholic, vinous, fermented, mixed or malt liquors, liquids or drinks, within such corporate limits, without having first obtained license therefor, as provided by this act, and the laws of this state, and the ordinances of the said city; and any person who shall in any manner violate any of the provisions of this section, or the ordinances, or the laws herein referred to shall, on conviction thereof, be punished as provided by the laws of this state, or the ordinances of said city on this subject; and all such offenses shall be prosecuted as provided by such laws or ordinances. All money received for such licenses shall be paid to the treasurer of said city for its use; *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state, or the ordinances of the said city, and that no licenses shall be granted for a longer period than the residue of the term of office of the council granting the same; and *provided further*, that no person thus licensed, or without being so licensed, shall sell or give away any such wine, beer, cider, or spirituous, intoxicating, alcoholic, vinous, fermented, mixed or malt liquors, liquids or drinks, on any election day or on Sunday. In all prosecutions for any violation of this section, or of the laws or ordinances herein referred to, it shall be sufficient to allege in general terms, the selling, vending, dealing in, or giving away without such license of any such inhibited liquors, liquids or drinks, and the proof on the trial of such selling, vending, dealing in or giving away to any person of any one of such inhibited liquors, liquids or drinks, shall be sufficient to warrant and sustain a conviction; on proof that the person charged kept a bar, sideboard or other thing, or fixture, with bar furniture, usually used by persons vending or dealing in such inhibited liquors, liquids or drinks, shall be *prima facie* evidence sufficient to warrant and sustain a conviction, or proof that any person permits the drinking of any inhibited liquors, liquids or drinks, before mentioned, which have been purchased or procured by clubs or other combinations of people, on his premises; or the treating, sampling, or giving away of any such inhibited liquors, liquids or drinks in any place of business or public resort in said city, such as groceries, bazaars, stores, taverns, hotels, victualing houses, saloons, shops, warehouses, or other places, the owner or occupant thereof not having first obtained license according to

law or the ordinances of said city, shall be deemed a selling of the same.

## CHAPTER VI.

### GENERAL POWERS OF THE COMMON COUNCIL.

General powers of common council.

SECTION 1. The common council shall have the control and management of the finances and of all the property of the city, and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, regulations, resolutions and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce or health, as they shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, resolutions, regulations or by-laws; and such ordinances, rules, regulations, resolutions and by-laws are hereby declared to be, and have the power and force of laws; *provided*, that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinances, resolutions, by-laws, regulations or rules:

1st. To license and regulate the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, and to provide for the abatement and removal of all nuisances under the ordinances or at common law; to restrain, prohibit or license billiard tables, ten pin or other ball alleys, or the setting up or playing on the same in said city.

2nd. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, all playing of cards, dice, or other games of chance for the purpose of gaming in said city; and to restrain any person from vending, giving or dealing in spirituous, intoxicating, alcoholic, malt, mixed, fermented or vinous liquors, unless duly licensed by them.

3rd. To prevent any riots, disturbances, or disorderly assemblages, suppress and restrain disorderly houses, or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tan-

nery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Combustible materials.

5th. To direct the location and management of, and to establish the rules for, and license venders of gunpowder, and regulate the storage, keeping and conveying of the same, or other combustible materials.

To prevent encumbering of streets.

6th. To prevent the encumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, firewood, or other materials or substances whatever, and to prevent the digging or sinking of mineral or other shafts, or holes in the streets, alleys or other public grounds of said city.

7th. To prevent the public exhibition of stallions, horse racing, immoderate riding or driving in the streets, or over the bridges, and to regulate the places of bathing in the water within the limits of said city.

Distraining of animals.

8th. To restrain the running at large of horses, cattle, mules, asses, swine, sheep, poultry and geese, and to authorize the distraining and impounding and sale of the same.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

Nuisances.

10th. To prevent any person from bringing, depositing, or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unwholesome, unsound beef, pork, fish, hides or skins of any kind; and on default of such person to authorize the removal thereof, by some competent officer, at the expense of such person or persons.

Improvement of public grounds.

11th. To make and establish pounds, and appoint poundmasters, and fence viewers, and prescribe their powers and duties; also to protect shade or ornamental trees, on the public squares or in the streets of the corporation, and the monuments of said city; also to fence the public squares and grounds of said corporation and to protect the same.

Health regulations.

12th. To establish and regulate boards of health, provide hospitals for those infected with small pox or other contagious diseases, and order and regulate the removal of such persons from the city, when its health and safety so require, and to provide grounds for the burial of the dead.

Compensation and accounts of officers.

13th. To call regular and special meetings of the voters of the said city, and to prescribe the compensation of all officers of the corporation, and shall examine, audit and adjust the accounts of all persons and of all officers of the corporation.

Fire regulations.

14th. To organize fire companies, hook and ladder companies; to regulate their government and the time and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress or sale in any manner, and if the owner shall neglect or refuse to procure suitable ladders or fire buckets after reasonable notice, the council may procure and deliver the same to him, and in default of payment therefor, may recover of such owner the value of such ladder and fire buckets, or both, with costs of suit; to direct the safe construction of places for the deposit of ashes; to appoint one or more fire wardens; to enter into, at reasonable times, and examine all dwelling houses, lots, yards, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such of them as may be dangerous to be put in a safe condition; to regulate the manner of putting up stoves and stove pipes; to prevent fires and the use of fire works and fire arms within the limits of said city, or such part thereof as they may think proper; to compel the inhabitants of said city to aid in the extinguishment of fires, and to pull, break down and raze such buildings in the vicinity of the fire as shall be directed by the council or any four of them who may be at the fire, for the purpose of preventing its communication with other buildings; to construct and preserve reservoirs, pumps, wells and other water works, and to regulate the use thereof, and generally to establish other measures of prudence for the prevention and extinguishment of fires, as they shall deem proper.

Fast riding and driving.

15th To prevent all persons riding or driving any horse, ox, mule, cattle or other animal on the sidewalks, or in any way doing damage to such sidewalks.

Disturbances.

16th. To restrain drunkards and immoderate drinking, or obscenity in the streets or other places in said city, and to provide for the arresting, removal and punishing of any person or persons who may be guilty of the same.

Fire arms.

17th. To prevent the shooting, wounding or worry-

ing of birds, and the discharge of fire-arms, or the exhibition of any fire-works in any place which they may consider dangerous to the city or any property therein, or annoying to any person thereof.

18th. To regulate the police of the city, to regulate the place and manner of selling and weighing hay, and measuring and selling of fuel, either wood or coal, or of lime, and to appoint suitable persons to superintend and conduct the same. **Markets.**

19th. To establish public markets, and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain for interrupting or interfering with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops and stands for the sale of game, poultry, meat, fish and other provisions. **The same.**

20th. To regulate, suppress or license hawkers, peddlers and auctioneers, who travel from place to place to sell goods, wares and merchandise within said city, and to license transient dealers, traders and auctioneers to sell the same, and the license so imposed by said council shall be to any amount, in the discretion of said council, not exceeding five per cent. on the gross amount of sales of said hawkers, peddlers and auctioneers. **Hawkers and peddlers.**

21st. To compel the owners of buildings or grounds, or the occupants, to remove snow, dirt or rubbish from sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in default to authorize the removal or destruction of the objectionable substance by some officer of the city at the expense of such owner or occupant. **Removal of rubbish.**

22d. To regulate the time, place and manner of holding public auctions and vendues. **Auctions.**

23d. To appoint watchmen and prescribe their duties, and provide for badge or uniform of marshal. **Watchmen.**

24th To provide by ordinance for a standard of weights and measures, and for the punishment of false weights and measures. **Weights and measures.**

25th. They shall have the power to require the owner of any lot or grounds in the city to set out ornamental trees in the street or streets fronting the same, and in default thereof to cause the same to be done, and to lay a special tax upon such lots or grounds to pay the expense of the same. **Trees.**

Streets, alleys, etc.

26th. To make, open, keep in repair, grade, improve, lay out, alter, widen, vacate or discontinue streets, avenues, lanes, alley, sewers, bridges and sidewalks, to keep them free from incumbrances, and to protect them from injury in said city.

Poll tax.

27th. To tax every male resident of said city above the age of twenty-one years and under the age of fifty years, one day's labor, or in lieu thereof one dollar, to be appropriated to improving the roads and streets of said city under the direction of such person as they may appoint.

Special taxes.

28th. Upon the application of the owners or occupants of two thirds of the lots on any street or part of a street, or on one side of any block, to levy and collect a special tax on the owners of the lots on such street or part of street, according to their respective parts, for the purpose of making a sidewalk along the same or grading, paving and improving the street along the same.

Power of council to appoint or remove officers.

SECTION 2. The council shall have power to appoint and at their pleasure to remove, the following officers, to wit: one chief engineer of the fire department, two fire wardens, and as many assistant wardens as they shall from time to time deem necessary; one attorney, one sealer of weights and measures, sexton and keeper of burial grounds, and prescribe their duties and fix their compensation, under the provisions of this act; and to impose and enforce in law such penalties as to the said council may seem proper, for any malfeasance or improper conduct of any of said officers, and to require bonds for the faithful performance of the duties of any or such of them as may be deemed necessary by the council.

Grade of streets

SECTION 3. The council shall, at such time as it may deem proper, establish the grade of all streets, alleys and sidewalks in said city, and shall cause accurate profiles thereof to be made, which shall be filed with the clerk.

Levying of tax for street purposes.

SECTION 4. Whenever the council shall levy any tax for the purpose of grading, paving or otherwise improving any street, or for the building or repairing any sidewalk, or for any other special purpose, they shall make out and deliver to the marshal such tax to be collected and expended, a list of persons and a description of the property taxed; and thereupon the marshal shall notify the persons named in such tax list by publishing a notice in three or more conspicuous places in said city, or in some public newspaper printed

therein, and shall specify in such notice a time not less than twenty days nor more than thirty days from the date thereof, when the persons charged with taxes in such lists may pay their taxes in labor, materials or money; and the persons charged with such tax may, within such time and at such place as may be required of such marshal, pay their taxes in labor or materials; *provided*, the labor and materials offered in payment for such taxes are suitable and such as may be required by such marshal.

**Return of tax list.**

SECTION 5. At the expiration of thirty days from the time the marshal shall have received such tax list, he shall return the same to the council, accompanied by a statement verified by his affidavit, subscribed thereto, showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money was expended, and the items of expenditure, also the taxes which remain unpaid, and the persons and descriptions of real estate and lots to which such unpaid taxes stand charged; and the clerk of said city shall make out a certified copy thereof and deliver the same to the town clerk of the town in which said city is situated, who shall, in making out the duplicate tax and assessment of such town next thereafter, enter such unpaid special taxes in a separate column, with ten per cent. added thereto opposite to the names of the persons and descriptions of property against which the taxes so remain charged and unpaid; and such taxes shall be collected in the same manner as the general taxes of said city and town are collected, and when so collected shall be paid over on the order of the council, and when not previously applied shall be expended, under their direction, on the street or sidewalk or for the purpose for which they were originally assessed.

**Council may fix penalties for violation of ordinances.**

SECTION 6. In all cases in relation to which, by the provisions of this act, the council have power to enact or pass ordinances, rules, regulations, resolutions or by-laws in relation to any subject; they may prescribe any penalty for the violation of such ordinances, rules, regulations, resolutions or by-laws, not exceeding one hundred dollars for any one offense in violation or nonobservance thereof; and may also provide that in default of payment of any judgment rendered for such violation or nonobservance, the offender may be imprisoned for such term as they may, by such ordinance, by-law, rule, regulation or resolution, direct, not exceeding sixty days, for which purpose the said city

shall have the use of the jail of the county in which said city is situated, for the imprisonment of any person liable to be imprisoned, and all such persons committed to said jail by the marshal or any other officer, shall be under the charge of the sheriff of said county, and kept by him the same as other prisoners.

Actions to be brought in corporate name of city.

SECTION 7. All actions brought to recover any penalty or sum of money, or forfeiture under this act, or the ordinances, by-laws or rules, regulations, resolutions or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city without being required to give security for costs in any such action, and the process may be either by summons or warrant, and it shall be sufficient, without setting forth the special matter, to declare generally stating the clause of this act, by law, ordinance, resolution, rule or regulation under which the action is brought. The defendant may plead the general issue, and give the special matter in evidence, and a printed copy of an ordinance, by-law, rule, regulation or resolution published in a newspaper or pamphlet by authority of the council, shall be *prima facie* evidence of the passage and publication of such ordinance, by-law, rule, regulation and resolution.

Imprisonment upon execution.

SECTION 8. Every execution issued upon judgments for any violation of the provisions of this act, or for the violation or non-observance of any ordinance, by-law, rule, regulation or resolution of said city shall contain a clause directing, in the event of non-payment of the judgment, the imprisonment of the defendant in the said county jail or jail provided by said city for such term as shall have been provided for by this act or the ordinance, rule, regulation, resolution or by-law under which the judgment shall have been rendered or in the discretion of the court in the absence of such provision by this act, or by rule, regulation, resolution, by-law or ordinance. All fines, penalties and forfeitures, when collected, shall be paid into the treasury of said city for its use.

Publication of ordinances, etc.

SECTION 9. Any ordinance, regulation, resolution, rule or by-law imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in some newspaper in the city before the same shall be in force, except as hereinafter provided, and proof of such publication by affidavit of the printer or foreman in the office of such newspaper, or by producing such newspaper containing such publication, shall be conclusive evidence of the publication and

promulgation of such ordinance, regulation, resolution, rule or by-law, in all courts and places, and within ten days after such publication, they, with said affidavit, shall be recorded by the clerk of the city in books to be provided for that purpose, which record shall also be conclusive evidence of such publication and passage of such ordinance, rule, regulation or by-law, in all courts and places. No ordinance, rule, regulation, by-law or appropriation shall be passed, made, altered, amended or repealed, without an affirmative vote of a majority of the common council in its favor, which vote shall be taken by ayes and noes, and entered of record.

**How ordinances, etc., to be published.**

SECTION 10. All notices, ordinances, by-laws, rules, regulations, resolutions or other matter required by or under this act, to be published in a newspaper, shall be published in a weekly newspaper published in said city, if there be one, and if no such paper shall be published in said city, then the same shall be published by posting up the same, either in writing or print, in three or more of the most public places in said city. In all actions brought by or in the name of said city, or against it, the said city shall have the same right of appeal, or to a writ of error, as individuals have, and in no case shall any judgment be rendered against said city for costs, but it shall be liable for costs to the same extent that the state is liable for costs in criminal cases, and no more.

**Residence not to disqualify as witness or juror.**

SECTION 11. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any action or proceeding in which said city is a party or interested.

**Nuisances.**

SECTION 12. The powers conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts, according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where intoxicating, alcoholic, malt, mixed, spiritous, vinous or fermented liquors are sold without license required therefor, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances, and shall be abated as herein provided, and according to the laws of this state for abating nuisances.

**Street regulations.**

SECTION 13. The council is hereby invested with full power and authority to survey, establish, and de-

termine, the lines, boundaries, width and dimensions of all streets, highways, alleys, lanes and public grounds in said city, which determination, when recorded, shall be conclusive upon all persons and parties; and whenever and wherever the same are now or shall be hereafter encroached upon or obstructed by any person, or in any manner, they shall have power to cause the same to be removed in a summary manner, by giving notice to the person suffering or causing such encroachment or obstruction to remove the same within not less ten days after service of such notice; and in case of neglect, default or refusal of such person to remove the same within the time specified in such notice, they shall order and direct the marshal to remove the same forthwith, at the expense and cost of such person, to be recovered the same as fines and penalties are recovered, as provided by this act, and for the purpose of such removal, the marshal is hereby authorized to call to his assistance all officers and persons, and every officer or person refusing to render such assistance, shall forfeit and pay a fine of ten dollars.

New survey of streets, etc.

SECTION 14. The common council of said city may, at any time, appoint three commissioners, resident freeholders of said city, who, with the assistance of a duly qualified surveyor to be appointed by the council, shall cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, lots, blocks and tracts of land, and shall cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the said surveyor and commissioners, which, when approved by the said council, shall be filed in the office of the clerk, and a copy thereof shall be recorded in the office of the register of deeds of the proper county.

Survey to be evidence.

SECTION 15. The survey, landmarks and plats so made and established and recorded, shall be conclusive evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, and blocks, in all cases in which they shall be drawn into controversy in all courts of this state, and shall be *prima facie* evidence of the lines and boundaries of all lots and tracts of land owned by individuals.

Service of process.

SECTION 16. When any suit or action shall be commenced against the said city, the service in such case shall be made by leaving a copy of the process, duly certified to by the proper officer, with the mayor,

and it shall be the duty of the mayor forthwith to inform the council thereof, or to take such other proceedings as, by the ordinances and resolutions of said city, may be in such case provided.

Property exempt from execution.

SECTION 17. No real or personal property of the said city, or of any inhabitant of said city, or of any individual or corporation, shall be levied on and sold by virtue of any execution, issued to satisfy or collect any debt, obligation or contract of said city.

How highway taxes to be expended.

SECTION 18. All highway taxes assessed or payable on property or persons resident or being within said city, shall be expended on any and on all the highways, streets, bridges and alleys in said city, but not on any sidewalk, and the overseers of highways in said city, and every overseer of highways of whose districts any portion of said city shall form a part, shall apply and expend the highway taxes assessed and collected on property or persons resident or being within said city, under and according to the direction and control of the mayor, under the instruction of the council of such city, any law to the contrary notwitstanding, whose compensation for services rendered by him in the discharge of such duties, shall be such as they may order or allow, not exceeding one dollar and fifty cents per day; *provided, however*, that the council of said city may, by special order previously made, allow such portion of the highway taxes assessed or collected as aforesaid in said city, not exceeding one-third part thereof, to be expended without the limits of said city on any public highway leading from said city.

Levying of taxes.

SECTION 19. The council shall have power, and it is hereby made its duty, in each year, to levy and assess upon the taxable property in said city, such a sum of money, as taxes, as shall be sufficient to pay and discharge the outstanding debt of the corporation, if any, and its expenses for the current year, after applying the money derived from other sources to such purposes and no more.

How taxes to be assessed.

SECTION 20. All taxes raised and collected in the said city of Darlington, for the purposes authorized in the last preceding section, shall be levied and assessed upon the same kinds of property, real and personal, within the corporate limits of the said city, as taxes for town, county and state purposes are levied and assessed.

Council to determine the amount of tax to be levied.

SECTION 21. The common council of the said city, shall, on or before the first Monday of November in each and every year, by resolution, to be entered on their records, determine the amount of such corporation tax

to be levied and assessed on the taxable property within the corporate limits of the said city, for the current year; and the clerk of the said city shall thereupon, on or before the third Monday of the same month of November in each year, deliver to the town clerk of the town in which such city is situated, a certified copy, under his hand and name and the corporate seal of the said city of all resolutions of the said council, determining the amount of taxes to be levied and assessed for the current year, together with a description of the territory included within the corporate limits of the said city.

Town clerk shall assess corporation taxes.

SECTION 22. The town clerk or other proper officer, as the case may be, of the town in which said city is situated, shall assess, apportion and carry out such corporation taxes pro rata according to the dollar valuation, upon all the real and personal property liable therefor, in a separate column in the tax and assessment roll and warrant of his town next thereafter issued and delivered to the town treasurer of his town for collection, in the same manner as he shall assess, apportion and carry out town, county and state taxes, and if for any reason such corporation taxes shall not be assessed, apportioned and carried out in the next assessment and tax roll and warrant, as herein provided, it shall or may be assessed, apportioned, carried out and collected in that of any succeeding year. The said corporation taxes shall be in all respects collected or returned delinquent in the same manner as town, county and state taxes are collected by law, and when collected shall be paid over by any officer collecting or receiving the same, to the treasurer of said city. Any officer or other person who shall neglect or refuse on demand to pay over any such corporation taxes when collected or received by him, in any manner, to such city treasurer, shall be liable to an action therefor, with twenty per cent. damages to be added thereto, to be sued for and recovered in the corporate name of the said city, both against such defaulting officer or other person and his sureties.

How town assessor to assess city property.

SECTION 23. The town assessor of the town in which said city is situated, in assessing the taxable property in his town in each year, shall assess the taxable property, real and personal, within the corporate limits of the said city, in one continuous part of his assessment roll, and foot up the valuations of all the items of property assessed and valued by him within said limits.

Duty of city clerk to make

SECTION 24. It shall be the duty of the clerk of said

city, immediately after an election under this act, to make out a statement of the persons elected as corporation officers, and of the persons appointed to the offices of clerk, marshal and treasurer of the corporation, whenever an appointment of such officer is made, with the fact of the acceptance and qualification of such officers so elected or appointed, under his hand and corporate seal, and file the same in the office of the clerk of the circuit court of the county in which such city is situated; and it is hereby made the duty of the clerk of such circuit court to file the same in the same manner as he files and preserves like certificates of the election and qualification of justices of the peace and other town officers. The police justice shall file a duplicate of his oath of office with the said clerk of the said circuit court. List of officers elected.

## CHAPTER VII.

### MISCELLANEOUS PROVISIONS.

SECTION 1. No person shall keep a slaughter house, yard, or pen, or occupy any open ground for slaughtering purposes within the corporate limits of said city, or keep any such place for depositing the offal of slaughtered animals within such limits; and any person who shall violate this section shall, on conviction thereof, forfeit and pay for each day he shall keep or occupy any such place for such purpose, the sum of fifty dollars with costs of prosecution and shall also in addition thereto, be guilty of a misdemeanor, and on conviction thereof shall be punished by fine and imprisonment. All such places are hereby declared to be common nuisances, and shall be abated as provided by law and the ordinances of said city. Penalty for keeping nuisance within city.

SECTION 2. The council for the purpose of guarding against the calamities of fire, shall have power, and it shall be their duty to prescribe in said city the limits within which wooden buildings or buildings of other materials that shall not be considered fireproof, shall not be erected, placed or repaired, and to direct that all buildings within the limits prescribed, shall be made and constructed of fireproof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits so established, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage. Fire limits.

## CHAPTER VIII.

### PROCEDURE IN COURT, AND FORMS.

Form of summons.

SECTION 1. When the action is commenced by summons, such summons may be substantially in the following form:

COUNTY OF LA FAYETTE — *City of Darlington*, — *ss.*

The state of Wisconsin, to the sheriff or any constable of said county, or the marshal of said city:

You are hereby commanded to summon A. B, if he shall be found within your county, to appear before the undersigned mayor and police justice in and for the said city, at my office in said city, on the —— day of —— 18—, at —— o'clock, in the —— noon, to answer to the city of Darlington, in a plea of debt to the damage of said city, two hundred (200) dollars or under.

Given under my hand at the said city, this —— day of ——, 18—. C. D., Mayor and Police Justice.

How summons made returnable.

SECTION 2. Such summons shall be made returnable, and be served in the same manner as is now, or hereafter may be prescribed by the laws of this state, for the commencement of actions before justices of the peace, by summons, and all proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state, for the time being, relative to actions commenced by summons, and triable before justices of the peace.

Form of complaint.

SECTION 3. When the action is commenced by summons, the complaint may be substantially in the following form:

The city of Darlington against A. B. In police court, before C. D., mayor and police justice.

The plaintiff complains against the defendant, for that the defendant, on the ——— day of ———, 18—, at the said city, did violate (section ——— of chapter ——— of this act, or section ——— of an ordinance or by-law or regulation of said city, describing it by its title), which said ——— is now in force. By reason of such violation an action hath accrued to the city of Darlington, to recover from the defendant the sum of ——— dollars debt. Wherefor the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

Form of oath for warrant.

SECTION 4. In all cases where oath is made for

a warrant, it shall be substantially in the following form:

LA FAYETTE COUNTY — *City of Darlington* — ss.

The city of Darlington against A. B. In police court, before C. D., mayor and police justice.

E. F., being duly sworn, say on oath that A. B., on the —— day of ——, 18—, at said city, did violate (section —, of chapter —, of an ordinance or by-law, or regulation) describing it by its title, which (——) is now in force, and was then and there guilty of (here name the act constituting the offense), as deponent verily believes, and prays that A. B. may be arrested and held to answer to said city therefor. Subscribed and sworn to before me, this —— day of ——, 18—.

C. D., Mayor and Police Justice.

Upon filing with the mayor and police justice such complaint, the mayor and police justice shall issue his warrant containing the statement of the offense, charged in the usual form, and the same proceedings and trial shall be had as in cases under the statutes for the recovery of penalties.

Witnesses to attend without prepayment of fees.

SECTION 5. Witnesses and jurors shall attend before the mayor and police justice in all actions for the violation of any ordinance, by-law or regulation of said city, without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof, their attendance may be compelled by attachment.

City prosecutions.

SECTION 6. In city prosecutions for the violation of any ordinance, by-law or regulation of said city, the defendant may call a jury as prescribed by law in justice courts in this state, and the trial shall proceed in the same manner and be governed by the same rules as in the trial of cases before justices of the peace. If the defendant be found guilty, the court shall render judgment thereon against the defendant for the fine, penalty, or forfeiture prescribed in this act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if he be found not guilty, the costs of suit shall be taxed against the city. In case the action was commenced by summons, upon the rendition of judgment against the defendant and the nonpayment thereof, the mayor and police justice shall forthwith issue execution as in cases of tort, or a commitment in case the action was commenced by warrant. Such execution may be in the following

form, and the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale, and return of writs:

Form of execution.

COUNTY OF LA FAYETTE — *City of Darlington* — SS.

The state of Wisconsin, to the sheriff or any constable of said county, to the marshal for said city, and to the keeper of the common jail of said county, greeting:

WHEREAS, The city of Darlington, on the — day of ——, 18—, recovered a judgment before the undersigned mayor and police justice for said city, against A. B., for the sum of —— dollars and —— cents costs of suit, for the violation of (section —, chapter —, of this act, or section — of an ordinance or by-law or regulation of said city, describing it by its title), you are hereby commanded to levy distress of the goods and chattels of said A. B., excepting such as the law exempts, and make sale thereof, according to law, to the amount of said sum, together with your fees and twenty-five cents for this writ; and the same return to me in thirty days; and for the want of such goods and chattels whereon to levy, to take the body of the said A. B., and him convey and deliver to the keeper of the common jail in La Fayette county, and the said keeper is hereby commanded to receive and keep in custody, in said jail, the said A. B. for the term of ——, unless the said judgment, together with all the costs and fees are sooner paid, or he be discharged by due course of law.

Given under my hand this — day of —, 18—.

C. D, Mayor and Police Justice.

Appeal to circuit court.

SECTION 7. In all cases where the fine or judgment is more than five dollars ($5.00), the defendant may appeal from such judgment to the circuit court of the county of La Fayette, provided such defendant, within twenty-four hours, pay to the mayor and police justice his costs, one dollar ($1.00) for returns, and one dollar ($1.00) state tax, and enter into a recognizance with one or more sufficient sureties, to be approved by such mayor and police justice, conditioned to appear before said court, and abide the judgment of the court therein. The mayor and police justice from whose judgment an appeal shall be taken, shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and copy of the entries on his docket, in the action, together with the

recognizance to be filed in the office of the clerk of said court.

SECTION 8. Said appeal shall stand for trial by jury, unless a jury be waived in a manner provided by law, in said circuit court, at the next term thereof, after the day of judgment of the mayor and police justice shall be rendered. How appeal to be tried.

SECTION 9. If the judgment of the mayor and police justice shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, by-law, resolution or regulation of said city, under which he or they are prosecuted, and enter judgment against him or them, and their sureties, for such penalty, together with the costs in both courts, and enforce the same by execution, as in actions of tort, or by commitment. When judgment is affirmed.

SECTION 10. Whenever, by the judgment of the police court, a person shall be sentenced to imprisonment in the county jail, or whenever, by the non-payment of a fine, in actions commenced by warrant, a person shall be committed to the said jail for a term exceeding one day, for a violation of any of the provisions of this act, or of the ordinances of said city, the court may also sentence such person to be kept at hard labor during the term of his imprisonment, on the streets and public works of said city, without the jail, as hereinafter provided. Police court may sentence to hard labor.

SECTION 11. The labor thus to be performed shall be appropriate to the physical condition of the convict, and under the direction of the council of said city, which may adopt such orders, rules and regulations in relation thereto, as they may deem best, and the officer having the custody of such convict shall be governed thereby. Labor to be appropriate to physical condition of convict.

SECTION 12. For the purpose of enabling the common council of said city to employ such convicts as hereinbefore stated, the county jail in such cases is hereby declared to extend to any of the streets or the public works of said city, and within the limits of the same, and outside the walls of said jail; and in all cases of such sentence it shall be stated in the commitment, and when so stated, shall be sufficient authority to enable the officer having such convict in charge to remove him from said jail to place of labor and back to such jail for safe keeping during the term of such imprisonment. Limits of county jail.

SECTION 13. Chapter three hundred and twenty-six Repealed.

(326) of the laws of 1865, approved April 7th, 1865, and published April 28th, 1865, entitled "An act to incorporate the village of Darlington," and all acts and parts of acts amendatory thereto, are hereby repealed.

Construction of act.

SECTION 14. This act shall be considered as a public act, and shall be construed favorably in all courts and places, and shall take effect and be in force from and after its passage and publication; and it is hereby made the duty of the secretary of state to cause this act to be published in the official state paper immediately after its passage.

Approved February 23, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 31.

AN ACT to appropriate to George B. Smith and Wm. F. Vilas a sum of money therein mentioned.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated out of any money in the treasury, not otherwise appropriated, the sum of twenty-five hundred dollars to George B. Smith and William F. Vilas, one-half to each, in full payment for their services as counsel on behalf of the state in defending the action of Stephen D. Carpenter against the state of Wisconsin, in the supreme court.

SECTION 2. This act shall take effect on its passage.

Approved February 23, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 32.

AN ACT to regulate the times of holding the circuit court in Portage county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Terms of circuit court.

SECTION 1. The terms of the circuit court for the county of Portage shall hereafter be held on the first Tuesday of March, and on the second Tuesday of November in each year.

SECTION 2. All acts and parts of acts, so far as they contravene or conflict with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 23, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 33.

AN ACT to legalize the official acts of Ed. F. Carpenter, as notary public for Rock county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The official acts of Ed. F. Carpenter, as notary public in and for Rock county, between the 15th day of May, 1875, and the 11th day of May, 1876, are and each of them is hereby legalized and declared to be of the same binding force and effect as if he had held a commission as notary public during said time. Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 34.

AN ACT legalizing the proceedings of school district No. 1, town of El Paso, Pierce county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The proceedings of the annual school meetings held for school district number one (1), of the town of El Paso, Pierce county, from September 29th, 1873, up to and including January 1st, 1877, are hereby legalized. Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1877.

[*Published February* 28, 1877.]

## CHAPTER 35.

AN ACT to establish the school district of the city of Shawano, and to regulate its boundaries.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Boundaries and organization of district.

SECTION 1. The territory now embraced or which may hereafter be embraced within the limits of the city of Shawano, shall form and constitute one district for school purposes. Said district shall cease to be joint with the towns of Richmond and Shawano, and shall be known as the district of the city of Shawano.

SECTION 2. All acts or parts of acts, so far as they conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force on the first day of April, 1877.

Approved February 23, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 36.

AN ACT relating to the geological survey of the state of Wisconsin, and amendatory of chapter 292 of the general laws of 1873, entitled "An act to provide for a complete geological survey of Wisconsin, and to repeal chapter 137 of the general laws of 1870, entitled 'an act to provide for the survey of the lead district, making maps and collecting statistics from the same, and chapter 136 of the general laws of 1872, amendatory thereof.'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

When survey to begin.

SECTION 1. Section seven of chapter two hundred and ninety-two, of the general laws of 1873, is hereby amended so as to read as follows: Section 7. The survey shall commence by the first of June next, or as soon thereafter as practicable, beginning with the counties of Ashland and Douglas, and the entire survey shall be completed within five years from and after the first commencement thereof in the counties aforesaid.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 37.

**AN ACT relating to authorizing the commissioners of school and university lands to loan a portion of the trust funds of the state to the county of Racine, and amendatory of chapter one hundred and seven, of the general laws of 1876.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter one hundred and seven, of the session laws of 1876, is hereby amended so as to read as follows: Section 1. The commissioners of school and university lands are hereby authorized to loan a portion of the trust funds of the state, not to exceed twenty thousand dollars ($20,000), to the county board of supervisors of the county of Racine, in this state, and the said board of supervisors are hereby authorized to borrow a sum not exceeding the amount above named of said commissioners, and to issue to said commissioners certificates of the indebtedness so contracted. Said indebtedness shall bear interest at the rate of seven per cent. per annum, and said interest shall be paid annually, and the principal sum so loaned shall be paid as follows: One-fourth of the sum loaned shall be payable on the first day of March, A. D. 1878; one-fourth thereof on the first day of March, A. D. 1879; one-fourth on the first day of March, A. D. 1880, and the remaining one-fourth thereof shall be payable on the first day of March, A. D. 1881. It shall be lawful for the commissioners of school and university lands and the board of supervisors of the county of Racine, to make the necessary arrangements for having the certificates of indebtedness for said loan correspond with the provisions of this act.

**Amended.**

**School land commissioners may loan to Racine county.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 23, 1877.

[*Published February* 28, 1877.]

## CHAPTER 38.

AN ACT to provide for an abstract of tax titles in the county of Waushara, and amendatory of chapter 123, private and local laws of 1867.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 1. of chapter 123, of the private and local laws of 1867, entitled "An act to provide for an abstract of tax titles in the county of Waushara," is hereby amended by striking out all after the word "cancellations," so that said section will read as follows, when amended: Section 1. It shall be the duty of the county treasurer of the county of Waushara, in the state of Wisconsin, to provide suitable books at the expense of said county of Waushara, and to make and maintain therein an abstract of tax sales; and it shall be the duty of all future county treasurers of said county to post and note therein all sales made by said county of Waushara for taxes of each year, commencing with the tax sale of 1855, and to note in a conspicuous manner all sales, redemptions, deeds and cancellations.

Duty of county treasurer.

Fees.

SECTION 2. Whenever redemptions are made, or deeds executed, there shall be added to the fees as now provided by law for the same, the sum of three cents for each tract so redeemed or deeded.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1877.

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[*Published February* 28, 1877]

## CHAPTER 39.

AN ACT to amend an act to incorporate the Chamber of Commerce of the city of Milwaukee, approved February 29, 1868.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section nine (9) of an act entitled "An act to incorporate the Chamber of Commerce of the city of Milwaukee," approved February 29, 1868, is hereby amended by adding after the words "nine di-

rectors, who," the words "together with the *ex officio* members of the board hereinafter designated;" and by striking out the words "they shall report the same to the Chamber for its action," and substituting in place thereof the words "they may suspend or expel such members," so that the said section as far as amended shall read as follows: "Section 9. Said corporation shall elect, in the same manner and at the same time prescribed for the election of other officers, nine (9) directors, who, together with the *ex officio* members of the board hereinafter designated, in addition to the performance of such other duties as may be assigned to them in the rules and by-laws, shall investigate complaints against members, and when sitting in such capacity shall have power to examine witnesses under oath, to be administered by the presiding member, and when in their judgment any member has been proven guilty of conduct meriting suspension or expulsion, they may suspend or expel such members."

**Election of directors.**

SECTION 2. Section nine (9) of the above entitled act shall be known and designated as section seven (7), and sections seven (7) and eight (8) of the same act respectively, as sections eight (8) and nine (9).

**Number of sections.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved, February 24, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 40.

AN ACT to amend section 12, chapter 4, of chapter 337, private and local laws of 1871, entitled "An act to revise, consolidate and amend the act to incorporate the city of Prescott, and the several acts amendatory thereof."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The police justice of the city of Prescott, and the justices of the peace in said city, shall have and possess concurrent rights, powers, privileges and jurisdiction, in hearing complaints and conducting trials and examinations in criminal actions within the city; *provided*, that the police justice shall have the exclusive jurisdiction of all cases arising under the charter of the city of Prescott, or for violation of any ordinance thereof, or in which the city shall be a party.

**Jurisdiction of police justice.**

SECTION 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 41.

(The same as Chapter 2.)

AN ACT to amend chapter 58 of the laws of 1876, relating to foreign wills.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

When wills proved in other states may be recorded.

SECTION 1. Section 1 of chapter 58 of the laws of 1876, is hereby amended so as to read as follows: When a will devising lands, or any interest in lands situated in this state, shall have heretofore been or shall hereafter be duly proved and allowed in the proper court of any other of the United States or the territories thereof, a copy of such will and of the probate thereof duly authenticated, may be recorded in the office of the register of deeds of any county in which any such lands are situated, and when so recorded, and any such will so proved and authenticated that may have heretofore been recorded in any such county, shall be as valid and effectual as evidence of title to such lands as if proved and allowed in this state, and the record of such copy or a transcript of such record, duly certified, shall be prima facie evidence of the authority of the person or persons therein named to convey such lands, if therein authorized to do so, in all the courts of this state.

When recorded to be evidence.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1877.

[*Published March* 1, 1877.]

## CHAPTER 42.

**AN ACT to amend chapter 219 of the laws of Wisconsin, approved March 9, 1876, entitled "An act to improve the north branch of the Eau Claire river, in the county of Clark.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

[SECTION 1.] Strike out all after the enacting clause in said act, and insert as follows: Section 1. For the purpose of improving the north branch of the Eau Claire river, in the county of Clark and state of Wisconsin, so as to facilitate and improve the driving and floating of logs, in and down so much of said branch of said river as is situate in the county of Clark aforesaid, William A. Rust, his associates or assigns, are hereby authorized and empowered to improve said branch of said river, by building dams, clearing and straightening channels, closing sloughs and otherwise, so as to improve said river for driving and floating logs and timber, and keep the same in repair, and operate at all times the same, for the driving and floating of all logs and timber that may be put in said branch of said river for the purpose of being floated and driven down and out of said river. **Amended.** **Authority to improve river.**

SECTION 2. Whenever the said Rust, his associates or assigns, shall have so improved the said branch of said river, so as to render the floating and driving of logs and timber down said branch of said river and through said Clark county, from the north line of township twenty-nine (29) of range four (4) west, reasonably certain and practicable, and shall maintain and operate the same so that logs and timber can be so driven down said river with reasonable certainty on such freshets and with such rises of water as are necessary to float and drive logs in connection with such aforesaid improvement, the said Rust, his associates or assigns, in consideration of such improvements and the facilities obtained thereby, shall be authorized to charge and entitled to collect and receive of any and all persons owning or controlling logs in said branch of said river, ten cents per thousand feet board measure, as toll on all logs and timber designed and intended to be floated down the same, the amount of said logs and timber to be determined by and under the direction of the lumber inspector of the district in which **Rates of toll.**

said river is situate, or by the mutual agreement of the parties; *provided*, that only five cents per thousand feet board measure as toll shall be collected on logs and timber put into said river between the south line of township twenty-nine (29) and the north line of township twenty-seven (27) range 4 west.

**Authority to take possession of logs and timber.**

SECTION 3. Whenever the said Rust, his associates or assigns, shall have so improved said north branch of the Eau Claire river as aforesaid, as provided in section two (2) of this act, he or they shall be authorized to take possession of all logs and timber put into said branch of said river, to be floated down the same, (the owners of which shall not have made adequate provision for driving the same, or which may be in the way of the main drive on said river), and to drive the same down the north branch of said river at and below the mouth of Wolf branch of said river, and shall have the authority to charge and be entitled to collect and receive of the owners of such logs or timber twenty-five cents per thousand feet board measure for all logs and timber so driven out of said north branch of said river to the mouth of said Wolf river; *provided*, that for all logs and timber driven a less distance than five miles, no more than ten cents per thousand feet shall be so charged, collected and received; the amount of such logs and timber to be determined in the same manner as provided in section two (2) of this act.

**Charges to be lien upon logs and timber.**

SECTION 4. For any charges for toll or otherwise that the said Rust, his associates or assigns may have on account of said improvements, or for the driving of any logs or timber under this act, the same shall be a lien upon such logs or timber as may be put in said north branch of said river, or that may be driven down said river by said Rust, his associates or assigns, and unless paid on or before five days after the same are driven out of said north branch of said river, the said charges shall become a lien on such logs and timber, and may be enforced by said Rust, his associates or assigns, in the same manner as other liens for services and labor on logs are enforced, and for this purpose may hold and detain such logs or timber at any place on the Eau Claire or Chippewa river, until such toll and charges are paid.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved February 24, 1877.

[*Published March* 1, 1877.]

## CHAPTER 43.

**AN ACT to amend chapter 220, of the laws of Wisconsin, approved March 9, 1876, entitled "An act to improve the south branch of the Eau Claire river and its tributaries, in Clark county."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Strike out all after the enacting clause in said act and insert the following: Section 1. For the purpose of improving the south branch of the Eau Claire river and its tributaries in Clark county and state of Wisconsin, so as to facilitate and improve the driving and floating of logs and timber in and down said branch of said river, and its tributaries, as is situate in the county of Clark, William A. Rust, his associates or assigns, are hereby authorized and empowered to improve said branch of said river, and its tributaries, by building dams, clearing and straightening channels, closing sloughs and otherwise, so as to improve said river or its tributaries for driving and floating of logs and timber, and keep the same in repairs and at all times operate the same for the driving and floating of all timber and logs that may be put in said river or its tributaries, for the purpose of being floated and driven down and out of said river and its tributaries. **Amended.** **Authority to improve river.**

SECTION 2. Whenever the said Rust, his associates or assigns shall have so improved said branch of said river or its tributaries as to render the driving and floating of logs and timber down and out of said branch of said river practicable and reasonably certain, with such rises of water and freshets as are necessary in connection with such improvements to float and drive logs from below the north line of section thirty-four (34) in township twenty-eight (28) of range three (3) west, the said Rust, his associates or assigns, shall be entitled to charge, collect and receive in consideration of such improvements and the facilities obtained thereby, from any and all persons owning or controlling such logs or timber in said branch of said river or its tributaries, ten cents toll per thousand feet, board measure, on all logs and timber designed and intended to be driven down said river that are put in above the north line of section fifteen (15) and sixteen (16) in township twenty-six (26) of range four (4) west, and **Rates of toll.**

five cents toll per thousand feet on all logs and timber put into said branch of said river or its tributaries below the north and east lines of section sixteen (16) in township twenty-six (26) of range four (4) west, the mouth of said south branch in section fifteen (15) in township twenty-six (26) of range five (5) west, and the amount of such logs and timber to be determined by and under the lumber inspector of the district in which said river is situate, or by the mutual agreement of the parties.

**Authority to take possession of logs and timber.**

SECTION 3. Whenever the said Rust, his associates and assigns shall have so improved said south branch of the Eau Claire river and its tributaries, as is provided in section two (2) of this act, they shall be authorized to take possession of all logs and timber put into said branch of said river or its tributaries, to be floated down the same (the owners or agents of which have not made adequate provisions for driving the same, or which may be in the way of the main drive on said river or its tributaries), and to drive the same down and out of said branch of said river, and shall be entitled to charge, collect and receive for such service from the owners of all such logs and timber, so driven as aforesaid, twenty-five cents per thousand feet, board measure; *provided*, that for all logs and timber driven from below the south line of section fifteen (15) on township twenty-seven (27), range three (3) west, in said branch of said river, no more than fifteen cents per thousand feet shall be charged or collected, the amount of such logs and timber to be determined in the same manner provided in section two (2) of this act.

**Charges to be lien upon logs and timber.**

SECTION 4. For any charges for tolls or otherwise, that the said Rust, his associates or assigns, may have on account of said improvements, or for the driving of any logs or timber under this act, the same shall be a lien upon such logs and timber as may be put in said south branch or its tributaries, or that may be driven down said branch or tributaries of said river by said Rust, his associates or assigns, and unless paid on or before five days after said logs or timber are driven out of said branch of said river, the charges shall become a lien on such logs and timber, and may be enforced by said Rust, his associates or assigns, in the same manner as other liens for services and labor on logs are enforced, and for this purpose may hold and detain such logs and timber at any place on the Eau Claire or Chippewa river, until such toll and charges are paid.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved February 24, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 44.

AN ACT to legalize the acts of Joseph Mason, a justice of the peace of the county of Grant.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All the official acts heretofore done by Joseph Mason, a justice of the peace of the town of Hazel Green, in Grant county, are hereby declared to be as valid and binding in all respects as though the said Joseph Mason had filed his official oath and bond in the proper office within the time allowed therefor by law. Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 45.

AN ACT to legalize the acts of O. B. Stevens, a justice of the peace of the county of Shawano.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All the official acts heretofore done by O. B. Stevens, as a justice of the peace of the town of Maple Grove, in Shawano county, are hereby declared to be as valid and binding in all respects as though the said O. B. Stevens had filed his official oath and bond in the proper office within the time allowed therefor by law. Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1877.

[*Published February* 28, 1877.]

## CHAPTER 46.

AN ACT to authorize J. T. Mills, late judge of the Fifth Judicial Circuit, to retain certain books on payment therefor.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to retain books.

SECTION 1. Joseph T. Mills, late judge of the Fifth Judicial Circuit, is hereby authorized to retain and hold as his own, seventeen volumes of Wisconsin reports, now in his possession, that is to say from volume 23 to volume 39, both inclusive, or such of said volumes as he may wish to retain, he first paying into the state treasury the sum of four dollars and fifty cents per volume for each of such volumes that he may choose to retain.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 47.

AN ACT relating to the powers and duties of the fish commissioners, and amendatory of sections four (4) and seven (7), of chapter 307, of the general laws of 1876.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section four (4) of chapter 307 of the general laws of 1876, is hereby amended by striking out all except the first paragraph, so that said section 4 shall read as follows: So soon as such site is purchased and said hatching house is completed, the said commissioners shall have the power to place the care of the same under the superintendence of some practical pisciculturist, who shall be superintendent, and whose duty it shall be, under the direction of such commissioners, to receive and hatch all spawn for the use of the state, and to distribute the same in the public waters thereof, and as equitably as practicable.

Commissioners to place, hatching house in care of competent person.

Amended.

SECTION 2. Section seven, of chapter 307, of the laws of 1876, is hereby amended by striking out the words

"and their accounts shall be audited by the secretary of state," when they occur in the last paragraph of the section, so that said section seven (7), when amended, shall read as follows: The fish interests of the state shall be entrusted to a board of five commissioners, of whom the gov rnor shall be *ex officio* one member, and the remaining four commissioners shall be hereafter appointed by the governor, and shall hold their place for a term of four years, unless sooner removed, except that of the four first commissioners to be appointed under this act; the term of one shall expire April 1st, 1877; the term of another shall expire April 1st, 1878; of another shall expire April 1st, 1879; and the term of the fourth shall expire April 1st, 1880: *provided, however*, that the present commissioners shall continue to act until their successors are appointed as herein provided. The commissioners shall receive no compensation for their services, but shall be repaid the expenses necessarily incurred by them while discharging their duties.

Board of fish commissioners.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1877.

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[*Published March* 1, 1877.]

## CHAPTER 48.

AN ACT to submit to the people an amendment to article VII. of the constitution.

WHEREAS, The legislature of this state, at the annual session for the year 1876, proposed and adopted by a vote of a majority of the members elected to each of the two houses, an amendment to the comstitution of this state, in the following language:

Preamble.

"*Resolved by the senate, the assembly concurring*, That section 4 of article VII. of the constitution be amended so as to read: Section four, The supreme court shall consist of one chief justice and four associate justices, to be elected by the qualified electors of the state. The legislature shall, at its first session after the adoption of this amendment, provide by law for the election of two associate justices of said court, to hold their offices respectively for terms ending two and four years respectively, after the end of the term

of the justice of the said court then last to expire. And thereafter the chief justices and associate justices of said court shall be elected and hold their offices respectively for the term of ten years; and,

WHEREAS, The foregoing proposed amendment to the constitution of the state was duly ratified and agreed to by the legislature of 1877; therefore,

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amendment to be submitted to people.

SECTION 1. The foregoing proposed amendment to the constitution of this state shall be submitted to the people at the general election to be held on Tuesday succeeding the first Monday of November, 1877; and if the people shall approve and ratify said amendment by a majority of the electors voting thereon, said amendment shall become a part of the constitution of this state.

Form of ballot.

SECTION 2. The form of the ballot in voting to approve and ratify said proposed amendment shall be "for amendment to the constitution." If against the same, "for amendment to the constitution, no," which shall be on the general ballot used at said election, and deposited in the same box. All persons qualified to vote at any election in this state, shall be deemed voters on this question.

How votes to be counted.

SECTION 3. The votes cast approving and ratifying, or disapproving said amendment, shall be counted and returned by the inspectors of the election in all respects as votes for state officers are counted and returned, and the officers now designated by law to canvass the returns of votes for state officers, shall canvass the returns on this question at the same time and place, and under the same regulations and restrictions now provided by law for canvassing and declaring the returns of elections for state officers.

Duty of canvassers.

SECTION 4. Within three days after the determination of said canvass, it shall be the duty of the canvassers to certify the result of said canvass to the governor, who shall thereupon, without delay, make proclamation of the result.

Duty of secretary of state.

SECTION 5. The secretary of state is hereby required to include the substance of this act in the notice of the general election for the year 1877.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1877.

[*Published February* 28, 1877.]

## CHAPTER 49.

**AN ACT to authorize the city of Janesville to issue bonds, to provide and pay for engine houses in said city.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The common council of the city of Janesville is hereby authorized and empowered by a vote of a majority of all the members of said council, to borrow money and issue city bonds therefor, with interest coupons attached in the usual form, signed by the mayor and countersigned by the clerk of said city of Janesville, to provide and pay for engine houses in said city. Said bonds shall be denominated "engine house bonds," not exceeding one thousand dollars each, nor in the aggregate exceeding the sum of ten thousand dollars, and bearing interest not exceeding eight per cent per annum, and payable annually, the principal payable within ten years from the date of said bonds, at such time and place as said council shall direct; and the faith of said city is hereby pledged for the payment of said bonds, principal and interest, and the proceeds of the issue of said bonds shall be deposited with the treasurer of said city, to be drawn and disbursed by said common council for the purposes and in the manner herein indicated. **Authority to issue bonds.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1877.

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[*Published March* 1, 1877.]

## CHAPTER 50.

**AN ACT to change the boundaries of certain towns in Lincoln county, and to organize the town of Scanawan therein.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The west half of township thirty-two north, of range six east, and townships thirty-three and thirty-four, of range six east, and township thirty-five, **Change of town boundaries.**

of ranges four, five and six east, and township thirty-six, of ranges three, four, five and six east, and township thirty-seven north, of ranges three, four, five and six east, and township thirty-eight north, of ranges three, four, five and six east, are hereby detached from the town of Jenny, in Lincoln county, and shall hereafter form and be known as the town of Scanawan.

Election of officers.

SECTION 2. The qualified electors of the town of Scanawan shall meet at the school house in the said town of Scanawan, on the first Tuesday of April next, and shall elect the various town officers as is now prescribed by law.

Change of town boundaries.

SECTION 3. Township thirty-four north, of ranges two, three, four and five east, and township thirty-five north, of range three east, and townships thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one and forty-two north, of range two east, are hereby detached from the town of Jenny, in Lincoln county, and attached to the town of Corning.

Change of town boundaries.

SECTION 4. Township number thirty-three north, of range number eight east, is hereby detached from the town of Pine River and attached to the town of Jenny.

Change of town boundaries.

SECTION 5. Townships thirty-four, thirty-five, thirty-six, thirty seven, thirty-eight and thirty-nine north, of range number ten east, are hereby detached from the town of Jenny and attached to the town of Pine River.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 51.

AN ACT to repeal chapter 136, laws of Wisconsin of 1874, entitled "An act for the preservation of fish in Dell Creek," and all subsequent acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Chapter 136, laws of Wisconsin of 1874, entitled "An act for the preservation of fish in Dell Creek," and chapter 22, laws of 1875, and chapter 65, laws of 1876, amendatory thereof, are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1877.

[*Published March* 2, 1877.]

## CHAPTER 52.

AN ACT to repeal chapter 82 of the laws of Wisconsin of 1876, entitled "An act amendatory of chapter 72 of the private and local laws of 1858, relating to the city of Ripon."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter 82 of the laws of 1876, entitled "An act amendatory of chapter 72 of the private and local laws of 1858, relating to the city of Ripon," is hereby repealed. Repealed.

SECTION 2. Sections 1 and 2 of chapter 72 of the private and local laws of the year 1858, are hereby revived, restored and re-enacted, the same as they existed prior to the passage of said chapter 82, of the laws of the year 1876. Re-enacted.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 53.

AN ACT to repeal chapter 11, of chapter 59, of the laws of 1875, entitled "An act to incorporate the city of Oconomowoc."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter 11, of chapter 59, of the laws of 1875, entitled "An act to incorporate the city of Oconomowoc," is hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after the 30th day of June, A. D. 1877, at the expiration of which time all the records of the Oconomowoc city school district shall be turned over to the city clerk of the city of Oconomowoc, and all moneys belonging to the Oconomowoc city school district, which at said time may be on hand unappropriated, shall be paid by the treasurer of said Oconomowoc city school district forthwith to the treasurers of the two school districts composing the said Oconomowoc city school district in the ratio of the taxable prop- Disposition to be made of money and records.

erty of each district; *and provided further*, that from and after the passage of this act, all moneys from the county and state school funds belonging to the school districts composing said Oconomowoc city school district, shall be paid to the treasurers of each district, and it shall not be lawful for said Oconomowoc city school board to raise any money by taxation for any purpose whatever, or transact any business whatever, except that which may be necessary for the maintaining of the present schools in said district until the said 30th day of June, A. D. 1877.

Approved February 24, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 54.

AN ACT to appropriate to the Northern Hospital for the Insane a sum of money therein named, for the payment of current expenses, for permanent improvements, and for miscellaneous purposes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated to the Northern Hospital for the Insane, out of any money in the general fund, not otherwise appropriated, the sum of sixty-eight thousand five hundred and seventy dollars, for the following purposes, viz: For the payment of current expenses for the year ending March 1, 1878, sixty-four thousand four hundred and twenty dollars; for permanent improvements and miscellaneous purposes, four thousand one hundred and fifty dollars.

Money to be drawn quarterly.

SECTION 2. All sums of money appropriated for the payment of current expenses by this act, shall be drawn from the treasury not oftener than quarterly in advance. All other sums may be drawn as needed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1877.

[*Published February* 28, 1877.]

## CHAPTER 55.

AN ACT to appropriate to the Institution for the Education of the Blind, a sum of money therein named for the payment of current expenses, for permanent improvements and for miscellaneous expenses.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to the Institution for the Education of the Blind, out of any money in the general fund not otherwise appropriated, the sum of nineteen thousand five hundred dollars, for the following purposes, viz: For the payment of current expenses for the year ending March 1, 1878, seventeen thousand dollars; for permanent improvements and miscellaneous purposes, two thousand five hundred dollars. Appropriation.

SECTION 2. All sums of money appropriated by this act, for current expenses, shall be drawn from the treasury not oftener than quarterly in advance. Money to be drawn quarterly.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1877.

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[*Published March* 1, 1877.]

## CHAPTER 56.

AN ACT to provide for acquiring title to a certain tract of land adjoining Northern Hospital for the Insane.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The trustees of the Northern Hospital for the Insane are hereby authorized to purchase of the county of Winnebago a tract of land of seven acres, more or less, lying east of the Chicago and Northwestern railroad track, and adjoining farm of said Northern Hospital, and acquire title to the same, as provided in chapter 156 of the general laws of 1872; *provided*, that if the trustees and the proper authorities of the county of Winnebago can agree upon appraisers, their ap- Trustees to acquire title to land.

pointment by a circuit or county judge shall be unnecessary.

Secretary of state to draw warrant.

SECTION 2. When said appraisals or either of them shall have been made and certified to the secretary of state by the president and secretary of the board of trustees, he shall draw his warrant on the state treasurer for the amount of such appraisal in favor of the county of Winnebago.

Appropriation.

SECTION 3. There is hereby appropriated out of any money in the general fund not otherwise appropriated a sufficient sum of money to carry into effect the provisions of this act; *provided*, that the sum so appropriated shall not exceed three hundred and fifty dollars.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 57.

AN ACT to appropriate to the Institute for the Education of the Deaf and Dumb, a sum of money therein named for the payment of current expenses, for permanent improvements and for miscellaneous expenses.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated to the Institute for the Education of the Deat and Dumb, out of any money in the general fund not otherwise appropriated, the sum of thirty-six thousand dollars, for the following purposes, viz: For the payment of current expenses for the year ending March 1st, 1878, thirty-one thousand five hundred dollars; for permanent improvements and miscellaneous purposes four thousand five hundred dollars.

How money to be drawn.

SECTION 2. All sums of money appropriated by this act for current expenses shall be drawn from the treasury not oftener than quarterly in advance.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1877.

[*Published February* 28, 1877.]

## CHAPTER 58.

**AN ACT to appropriate to the Northern Hospital for the Insane a sum of money for the purchase of an engine and boiler, and to place cast-iron radiators under the north wing of said hospital.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to the Northern Hospital for the Insane the sum of twelve thousand dollars, for the following purposes, viz: To purchase an engine and boiler, and to place cast iron radiators under the north wing of said hospital. **Appropriation.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 59.

**AN ACT to appropriate a sum of money therein named, to pay for additional copies of the Legislative Manual for 1877.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the treasury belonging to the general fund a sum sufficient to carry out the purpose of joint resolution number six (6), for the purchase of additional copies of the Legislative Manual for 1877. **Appropriation.**

SECTION 2. This act shall be in force and take effect from and after its passage and publication.

Approved February 24, 1877.

[*Published February* 28, 1877.]

## CHAPTER 60.

AN ACT for the relief of Sarah Jane Tarr, and to appropriate to her a certain sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated to Sarah Jane Tarr, out of any money in the state treasury not otherwise appropriated, the sum of sixty-one dollars and eight cents, in full for compensation for the purchase money and interest paid by her for a certain piece of land in Marquette county into the state treasury, the title of this land being void.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 61.

AN ACT to appropriate to the Industrial School for Boys a sum of money therein named, for the payment of current expenses, for building correction house, for other permanent improvements, and to pay deficiency.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated to the State Industrial School for Boys, out of any money in the general fund, not otherwise appropriated, the sum of sixty-two thousand dollars, for the following purposes, viz: For the payment of current expenses for the year ending March 1, 1878, thirty-six thousand dollars; for building correction house, sixteen thousand dollars; for other permanent improvements, two thousand dollars; and to pay deficiency, eight thousand dollars.

How money to be drawn.

SECTION 2. All sums of money appropriated by this act, for current expenses, shall be drawn not oftener than quarterly, in advance; all other sums may be drawn as needed for the purposes for which the appropriation is made.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1877.

[*Published March* 2, 1877.]

## CHAPTER 62.

**AN ACT to appropriate to Joseph B. Treat and others sums of money therein named.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to the following named persons out of any money in the treasury not otherwise appropriated, the sum set opposite their names, to wit: to Joseph B. Treat the sum of three hundred and fifty dollars; to J. A. Barney the sum of three hundred and fifty dollars; to M. Griffin the sum of three hundred and fifty dollars; to Elias N. White the sum of three hundred and fifty dollars; to Peter Fagg the sum of three hundred and fifty dollars; to Rufus B. Smith the sum of two hundred and fifty dollars; to William Buckley the sum of one hundred and fifty dollars; to William R. Taylor the sum of eight dollars and ten cents; to C. C. Washburn the sum of six dollars and ten cents; to George W. Bird the sum of eleven dollars; to I. C. Sloan the sum of two dollars and ten cents; to T. L. Hacker the sum of six dollars and ten cents; to Robert Monteith the sum of two dollars and ten cents; to E. A. Spencer the sum of two dollars and ten cents; to D. H. Tullis the sum of two dollars and ten cents; to R. F. Wilson the sum of twenty-two dollars; to A. A. Meredith the sum of forty-seven dollars; to James G. Knight the sum of forty dollars; to H. H. Hinebaugh the sum of twenty-one dollars; to O. F. Blakely the sum of two dollars and ten cents; to T. C. Lund the sum of nine dollars; to J. W. Eviston the sum of fifteen dollars and sixty cents; to F. H. Putney the sum of two dollars and ten cents; to S. Cadwallader the sum of two dollars and ten cents; to A. Scott Sloan the sum of two dollars and ten cents; to E. B. Dean the sum of two dollars and ten cents. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1877.

[*Published February* 28, 1877.]

## CHAPTER 63.

AN ACT to appropriate a sum of money therein named for the payment of pensions of soldiers' orphans, as provided in chapter 72 of the laws of 1874.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of one thousand dollars in full for the payment of pensions of soldiers' orphans, as provided in chapter 72 of the laws of 1874, for the year 1877.

How money to be drawn.

SECTION 2. All sums of money appropriated by this act shall be drawn from the treasury not oftener than quarterly.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 24, 1877.

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[*Published March* 1, 1877.]

## CHAPTER 64.

AN ACT to amend sections five and nine of chapter 193, of the laws of 1873, entitled "An act to change the management of the state prison, and to amend and consolidate all laws concerning the same,"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section five of chapter 193, of the laws of Wisconsin of 1873 is hereby amended by striking out all after the word "turnkey," in the third line of said section, and inserting the following: "One matron for the female prison department and such guards, overseers and laborers as may be necessary," so that said section shall read, when amended, as follows: "Section 5. The officers of the prison shall consist of three directors, one warden, one deputy warden, one clerk, one chaplain, one gate-keeper, one turnkey, one matron for the female prison department, and such guards, overseers and laborers as may be necessary."

Officers of prison.

Amended.

SECTION 2. Section nine of said chapter 193, is here-

by amended so as to read as follows: "Section 9. The officers of the prison shall receive the following salaries and compensation: each director three dollars per day and his necessary traveling expenses while engaged in performing the duties of his office; the warden two thousand dollars per annum; the deputy warden one thousand dollars per annum; the clerk one thousand dollars per annum; the chaplain eight hundred dollars per annum, and all other officers and employes such amounts as the directors may from time to time determine and fix upon. All officers and employes, except the directors, clerk, chaplain and physicians, shall be subsisted in the prison, at the expense of the state, and there shall be allowed to the warden and deputy warden, sufficient house room with fuel, lights and subsistence for themselves and families. No other perquisite, reward or emolument shall be allowed to or received by any officer or employe of said prison. **Compensation of officers.**

SECTION 3. All acts and parts of acts inconsistent or conflicting with this act are hereby repealed. **Repealed.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1877.

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[*Published March* 1, 1877.]

## CHAPTER 65.

**AN ACT to amend chapter 53, general laws of 1858, entitled "An act for the formation and protection of county agricultural societies.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1 of chapter 53 of the general laws of 1858, is hereby amended so as to read as follows: Section 1. In all cases when the citizens of a county, or of two or more counties, jointly, shall or may have organized a county agricultural society, by the adoption of a constitution, and the choice of the ordinary officers, they shall have all the power of a corporation and body politic, and may sue and be sued, plead and be impleaded, prosecute and defend to final judgment and execution in any court of law or equity, and may purchase and hold any real and personal estate which shall be necessary to best promote the objects of **Amended.** **General powers of agricultural societies.**

such association, and which estate shall be exclusively devoted to such objects. Said societies shall also have power to sell and convey, to borrow money upon and mortgage any and all such real estate, said conveyance or mortgage being executed by the president and secretary of said society. All such land and property shall also be free from taxation while used as aforesaid by such societies; *provided*, that nothing in this act shall be construed to prevent any citiz n of any other state from becoming a member or officer of any agricultural society or industrial association which is now organized or may hereafter be organized under or by virtue of any law of this state.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 66.

AN ACT to amend chapter 67 of the laws of Wisconsin for the year 1876, entitled "An act to authorize the taking of fish in the public waters of the state for the purposes of artificial propagation."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one (1) of chapter sixty-seven (67), laws of 1876, entitled "An act to authorize the taking of fish in the public waters of the state for the purposes of artificial propagation," is hereby amended so as to read as follows: Section 1. The fish commissioners of the state of Wisconsin are hereby authorized to take at all seasons and in all ways, fish from the public waters of this state for the purpose of artificial propagation.

Authority of commissioners to take fish.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved February 27, 1877.

[*Published March* 1, 1877.]

## CHAPTER 67.

AN ACT to amend section 2 of chapter 222, general laws of 1874, entitled "An act to amend [and] revise the charter of the city of Wausau."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 2 of the above act is hereby amended so that the same shall read as follows: Section 2. The city of Wausau shall be divided into five wards, as follows: All that territory within said city lying west of Main street, and west of the east bank of the Wisconsin river, shall constitute the first ward; and all that territory within said city lying east of Main street, between Farett street and Washington street, to the east end of the city limits, shall constitute the second ward; and all that territory within said city lying east of Main street, between Washington street and McClellen street, to the east end of the city limits, shall constitute the third ward; and all that territory within said city lying south of Farett street and east of the Wisconsin river, from the end of Farrett street, shall constitute the fourth ward; and all that territory within said city lying east of Main street and north of McClellan street, shall constitute the fifth ward. **Amended.** **Ward boundaries.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 68.

AN ACT to prevent fraud by coloring grain.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. No person shall subject, or procure to be subjected, any barley, wheat, or other grain, to fumigation by sulphur or other material, or to any other chemical process affecting the color of such grain. **Unlawful to color grain.**

SECTION 2. No person shall sell, or offer for sale, any barley, wheat or other grain which shall have been **Unlawful to sell colored grain.**

subjected to such fumigation or other process, knowing such barley, wheat, or other grain to have been so subjected.

Penalty for violation of act.

SECTION 3. Any person violating the provisions of this act shall, upon conviction, be punished by fine not exceeding five hundred dollars and imprisonment not exceeding one month, and shall also be liable to all damages sustained by any person injured by such violation.

SECTION 4. This act shall be published immediately, and shall take effect and be in force from and after its passage and publication.

Approved February 27, 1877.

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[*Published March* 6, 1877.]

## CHAPTER 69.

AN ACT to authorize the trustees, managers and directors of the state charitable, penal or benevolent institutions to require their treasurer, or other person having money or property of said institutions in their possession, to give bonds.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Officers of state institutions to give bonds.

SECTION 1. The trustees, managers or directors of any of the state charitable, penal or benevolent institutions in this state are hereby authorized, empowered and directed to require their treasurer, or any officer or other person having the possession or custody of any money or property belonging to the state, or any institution under their control or supervision, to give bonds for the faithful accounting of such money or property, in such manner as they may prescribe.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1877.

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[*Published March* 6, 1877.]

## CHAPTER 70.

AN ACT to fix the times for holding the terms of the circuit court in the county of Kenosha.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

When terms to be held.

SECTION 1. From and after the first day of April, 1877, the terms of the circuit court for the county of

Kenosha shall be held in each year as follows: On the Wednesday after the second Monday in April; on the Wednesday after the third Monday in November; and on the first Monday in August.

SECTION 2. No jury shall be summoned for said term appointed to be held in August. But said court shall have power at such term to transact any business or do any act which may be lawfully transacted or done at a general term of the circuit court without the intervention of a jury. **August term.**

SECTION 3. All recognizances, undertakings, writs, processes and motions heretofore drawn or made returnable at the next regular April term of said court, shall hold good and shall be returnable at the April term of said court as fixed by this act, and shall have the same force and effect as though by terms made returnable on the first day of said term, as fixed by this act. **April term.**

SECTION 4. All acts, and parts of acts, so far as they conflict with the provisions of this act, are hereby repealed. **Repealed.**

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1877.

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## CHAPTER 71.

**AN ACT to appropriate a sum of money therein named to A. E. Elmore and others, for services rendered under joint resolution No. 13, session of 1876.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated, out of any money in the treasury not otherwise appropriated, a sufficient sum of money to pay the following named persons, viz: A. E. Elmore, H. C. Tilton, W. W. Reed, H. H. Giles, C. H. Haskins, Geo. W. Burchard, Wm. E. Smith and Nelson Dewey, for services rendered under joint resolution No. 13, session of 1876, the sum of ten dollars for every day engaged in such services, in full for such services and expenses; *and provided*, that in no case these expenses and services shall exceed the sum of one hundred and fifty dollars to any one of the above named persons. **Appropriation.**

SECTION 2. The secretary of state is hereby authorized to draw his warrant for such sums as the above **Secretary of state to audit accounts.**

named persons shall show themselves to be entitled to, upon presentation of the proper vouchers as prescribed by law.

SECTION 3. This act shall take effect from and after its passage.

Approved February 27, 1877.

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[*Published March* 7, 1877.]

## CHAPTER 72.

AN ACT to appropriate to the superintendent of public property, a sum of money therein named for the use of the state.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation. SECTION 1. There is hereby appropriated to the superintendent of public property out of any money belonging to the general fund not otherwise appropriated, the sum of seven thousand five hundred dollars, being the amount estimated as necessary for the purchase of stationery for the use of the state officers and the legislature for the ensuing year.

SECTION 2 This act shall take effect and be in force from and after its passage.

Approved February 27, 1877.

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[*Published March* 16, 1877.]

## CHAPTER 73.

AN ACT to mend chapter 41 of the laws of 1873, entitled "An act to amend chapter 224 of the private and local laws of 1871, entitled 'An act to consolidate and amend the act to incorporate the city of Beaver Dam and the several acts amendatory thereof.'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended. SECTION 1. Section 3 of said chapter is hereby amended by striking out the words "five hundred" in the last line of said section and inserting the words "four hundred."

Amended. SECTION 2. Section 4 of said chapter is hereby amended by adding thereto as follows: The term of

office of said school commissioners and of the superintendent of schools shall commence the first Tuesday in May of each year.

SECTION 3. Sections 5 and 6 of said chapter are hereby repealed and the office of street commissioner is hereby restored, and at the next election of city officers in said city there shall be elected one street commissioner who shall hold his office for such term and shall perform all the duties thereof and shall have the same powers and privileges as is provided in chapter 224 of the private and local laws of 1871, and all the provisions of said chapter 224 relating to street commissioners and his powers and duties are hereby restored: *provided, however*, that the street commissioners shall at all times be under the direction and control of the common council and shall expend no more money upon streets than the common council order from time to time, and at such place and on such streets and to the amount ordered by the common council.

Repealed.

Office of street commissioner restored.

SECTION 4. Section 15 of chapter 10 of said chapter 224 is hereby amended by adding thereto as follows: All licenses hereafter issued for selling spirituous, vinous, fermented, malt or intoxicating liquors shall expire on the first day of July after they are issued, and until the first day of July, 1878, the common council may issue such licenses for a less term than one year upon being paid pro rata as to amount and time, as shall be fixed for granting such license.

Amended.

When licenses shall expire.

SECTION 5. The following salaries shall be paid to the following named officers for their services and such salary and amount shall be in lieu of all fees and charges and shall be in full compensation for their services as such officers to-wit: The city clerk shall receive a salary of two hundred dollars a year. The city treasurer shall receive a salary of four hundred dollars a year. The superintendent of schools shall receive a salary of two hundred dollars a year. The city marshal shall receive a salary of one hundred and twenty-five dollars a year. The assessor of the first ward shall receive a salary of twenty-five dollars a year. The assessors of the second, third and fourth wards shall each receive a salary of thirty dollars a year, which shall be in full for their services as assessors, except services on the board of review. The several salaries shall be paid in such manner as the common council may direct. All laws, resolutions or ordinances conflicting with the provisions of this section are hereby repealed.

Amended.

Salaries of officers.

SECTION 6. This act shall be in force from and after its passage and publication.

Approved February 27, 1877.

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[*Published March* 7, 1877.]

## CHAPTER 74.

AN ACT to amend an act entitled "An act to organize a union school district in the village and town of Monroe, in the county of Green."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 1 of chapter 551 of the private and local laws of the state of Wisconsin, entitled "An act to organize a union school district in the village and town of Monroe, in the county of Green," approved April the 12th, A. D. 1866, is hereby amended so as to include the following described land in said union school district: Twenty acres of land off of the west end of the north half of the southwest quarter of section number thirty-six, in town number two north, of range number seven east, in the town of Monroe, Green county, Wisconsin.

Change of school district boundaries.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved February 27, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 75.

AN ACT to authorize the governor to designate a circuit judge to hold court in any circuit where a vacancy exists in the office of circuit judge.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Governor may appoint circuit judge.

SECTION 1. In case the office of either of the circuit judges of this state shall become vacant, unless such vacancy shall be filled as provided by law, the governor shall appoint some circuit judge to hold any term of the circuit court which shall have been fixed by law to be held in the circuit in which such vacancy exists.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1877.

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[*Published March* 2, 1877.].

## CHAPTER 76.

**AN ACT to authorize the commissioners of school and university lands to loan a portion of its trust funds to to the town of Pine Valley in the county of Clark, Wisconsin.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The commissioners of school and university lands are hereby authorized in their discretion to loan a portion of the trust funds of this state, not exceeding three thousand dollars, to the town of Pine Valley, in the county of Clark, in this state, and the said town is hereby authorized to borrow a sum not exceeding the amount above named, of said commissioners, and to issue to said commissioners certificates of the indebtedness so contracted. Said indebtedness shall bear interest at the rate of seven per cent. per annum, and said interest shall be paid annually together with not less than one-fifth of the principal sum, till the whole is paid. *Provided*, that such amount shall (including existing indebtedness) not in the aggregate exceed five per centum on the value of the taxable property of said town of Pine Valley, as appears by the assessment roll of said town for state and county taxes for the year 1876. **School land commissioners authorized to loan trust funds.**

SECTION 2. Before contracting any debt, and before any of said funds shall be delivered to said town, in exchange for said certificates of indebtedness, the supervisors of said town shall file with the secretary of state, an acceptance of the provisions of this act, and of the terms and limitations herein provided for. **Supervisors to file acceptance.**

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved Februrry 28, 1877.

[*Published March* 7, 1877.]

## CHAPTER 77.

AN ACT for the preservation of fish in lakes Winnebago, Butte des Morts, Winneconne, Poygan and Little Lake Butte des Morts, and in the waters of Fox river between Little Lake Butte des Morts, and the mouth of Wolf River and Lake Winneconne.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Unlawful to take fish, except with hook and line.**

SECTION 1. No person shall catch or take any fish in or from any of the waters of lakes Winnebago, Butte des Morts, Winneconne, Poygan or Little Lake Butte des Morts, nor in or from any of the waters of the Fox river between Little Lake Butte des Morts and the mouth of Wolf river and lake Winneconne, with any device for taking or catching fish except gill nets, spears or hooks and lines.

**When fish shall not be taken.**

SECTION 2. No person shall set or fish with gill nets, catch or take with gill nets, any fish from the waters specified in section 1 of this act, from April 15th to August 15th, in each year, nor shall any person at any time in the year stretch or set any gill nets across the Fox river or any part thereof between the waters of Little Lake Butte des Morts and the mouth of Wolf river and lake Winneconne, nor in Wolf river below its entrance into lake Poygan; *provided*, that minnows may be taken with a net any time in the year. Nothing in this act shall be so construed as to prohibit the use of spears or hooks and lines for fishing, during any portion of the year.

**Penalty for violation of act.**

SECTION 3. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay for each and every such offense a penalty of not less than twenty-five dollars, nor more than one hundred dollars, in the discretion of the court, and cost, and shall stand committed to the common jail where such offense was committed, there to remain until such fine and costs are paid, or until discharged by due course of law; said penalty shall be recovered in a criminal action in the name of the state of Wisconsin, before a justice of the peace having jurisdiction over the place where the offense was committed, and when collected, one-half of such penalty shall be paid to the person making the complaint, and the remainder of said

penalty shall be paid into the county treasury according to law.

SECTION 4. All acts or parts of acts contravening the provisions of this act, are hereby repealed. Repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1877.

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[*Published March* 7, 1877.]

## CHAPTER 78.

**AN ACT relating to assaults with intent to do great bodily harm, and to prescribe the punishment therefor.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. If any person, being armed with a dangerous weapon, assaults another, with intent to do great bodily harm, he shall be punished by imprisonment in the state prison not more than five years, or by fine not more than five hundred dollars nor less than one hundred dollars. Penalty for assault with dangerous weapons

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1877.

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[*Published March* 6, 1877.]

## CHAPTER 79.

**AN ACT to amend section 22, chapter 144, of the general laws of 1872, relating to the organization of corporations for manufacturing and other purposes.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twenty-two of chapter one hundred and forty-four, of the general laws of 1872, is hereby amended so as to read as follows, to-wit: Section 22. Any corporation heretofore organized under any special charter or general law of this state for any of the purposes for which corporations may be formed under this act, may amend its charter or articles of as- Amended. Corporations may amend charters.

sociation according to the provisions of section twenty-one and of section nineteen of this act, in like manner and with like effect as corporations formed pursuant to this act.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 28, 1877.

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[*Published March* 7, 1887.]

## CHAPTER 80.

AN ACT amendatory of and supplementary to the charter of the city of Milwaukee.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section eighteen of chapter VII. of chapter 184 of the laws of 1874, entitled "An act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," is hereby amended by adding to said section the following: The person to whom a contract is awarded for the abatement or removal of a nuisance under this section, shall receive in payment a certificate against the lot or tract of land in front or rear of which, or upon which such nuisance, source of filth, or cause of sickness was found, and such work was done, for the amount properly chargeable thereto, and it shall be the duty of the board of public works, after the completion and performance of any such contract, to issue such certificate on the request of the person entitled to receive it. All certificates issued under this section shall be made, signed and countersigned, and shall be registered and collectable in the same manner, and shall have the same force and effect, and draw the same rate of interest, and shall be liens upon the lots or parcels of land against which the same shall be chargeable respectively, and may be transferred in like manner as certificates issued by said board for street work in said city.

How payment for removal of nuisance to be made.

Amended.

SECTION 2. Section nineteen of said chapter VII. is hereby amended by striking out the words "and eighteen," wherever they occur in said section.

Police force and salaries of same.

SECTION 3. The police force of the city of Milwaukee shall consist of one chief of police, two lieutenants two sergeants, three roundsmen, and such number of

detectives and patrolmen as the common council shall from time to time, by ordinance, determine and prescribe. Salaries shall be paid to the members of the police force of said city, for all services during the time of their service, at the following rates per annum, to-wit: To the chief of police, two thousand dollars; to the first lieutenant of police, fifteen hundred dollars; to the second lieutenant of police, twelve hundred dollars; to the detectives, each one thousand dollars; to the sergeants, each nine hundred dollars; to the roundsmen, each eight hundred and fifty dollars; to the patrolmen, each eight hundred dollars.

**Transfer of funds.**

SECTION 4. The common council of the city of Milwaukee is hereby authorized to cause to be transferred from the sewerage fund of the west sewerage district of said city to the contingent fund of said city, the sum of six thousand dollars, being the amount advanced under a resolution passed by said common council, on the eighth day of August, 1876, from said contingent fund to said sewerage fund, for the purpose of continuing the construction of the sewer in Seventeenth street, from Cedar street to Prairie street, in the Second ward of said city.

**Money to be refunded and charged to ward fund.**

SECTION 5. The common council of the city of Milwaukee is hereby authorized to refund to all persons who have heretofore paid, or may hereafter pay any sum of money on account of the paving of Third street from State street to Vliet street, in the Second ward of said city, under chapter 159 of the laws of 1876, an amount equal to one-half of the sum so paid, or to be paid by all such persons respectively. Any and all sums so refunded shall be charged to and paid out of the ward fund of the Second ward of said city.

**Money to be refunded and charged to ward fund.**

SECTION 6. The common council of the city of Milwaukee is hereby authorized to refund to all persons who have heretofore paid, or may hereafter pay, any sum of money on account of the graveling of Ninth street, between Mill and Galena streets, in the Ninth ward of said city, in the yeay 1874, the sum so paid or to be paid by all such persons respectively, and interest, if any was or is paid by any of the parties. Any and all sums so refunded shall be charged to and paid out of the ward fund of the Ninth ward of said city.

**Repealed.**

SECTION 7. All acts and parts of acts inconsistent with or contravening the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1877.

[*Published March* 7, 1877.]

## CHAPTER 81.

AN ACT in relation to judgments.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

No judgment to be set aside on ground of attorney being non-resident.

SECTION 1. No judgment heretofore rendered and docketed in any court of record in this state shall be opened, vacated or set aside upon the ground that the attorney of record in the action in which such judgment was rendered was, at the time of the commencement of such action and the rendition of such judgment, a citizen of another state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1877.

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[*Published March* 7, 1877.]

## CHAPTER 82.

AN ACT relating to town insurance companies.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Offices may be held in incorporated city.

SECTION 1. Any town insurance company now or hereafter to be organized under the laws of this state, in any town or number of adjoining towns, contiguous to any incorporated city, may, if the board of directors of such company so choose, keep its general office and hold any or all of its business meetings in such city.

Acts legalized.

SECTION 2. All acts and proceedings of such insurance companies heretofore had or done at meetings held in such city, or in or through its business office in such city, are hereby legalized and declared valid for all purposes.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1877.

[*Published March* 7, 1877.]

## CHAPTER 83.

AN ACT to legalize the acts of Wayne B. Dyer, justice of the peace in the village of Durand, and county of Pepin.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All the acts of Wayne B. Dyer, of the village of Durand, in the county of Pepin, as justice of the peace, are hereby legalized and declared to be as valid and binding in all respects, as if the said Dyer had resided within the corporate limits of the said village of Durand. Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1877.

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[*Published March* 6, 1877.]

## CHAPTER 84.

AN ACT authorizing and requiring the farm mortgage land commissioners appointed under chapter 446 of the private and local laws of 1868, to extend the benefits of said act to certain other parties equitably entitled thereto.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The Wisconsin farm mortgage land commissioners appointed under chapter 446 of the private and local laws of 1868, are hereby authorized and required to extend the benefits of such act to the owners of property on the north half of the southeast quarter of section 6, town 12, north of range 9 east, in the city of Portage, against whom judgment was rendered in the second judicial circuit of this state, in an action commenced to foreclose certain mortgages executed to the La Crosse and Milwaukee railroad company. Benefits of chapter 446, P. and L. laws of 1868, extended.

SECTION 2. Hon. Joshua J. Guppy, county judge of Columbia county is hereby appointed trustee to act in behalf of the persons who are specially named or designated as entitled to present claims under this act; and the said commissioners are hereby required to recognize his authority to so act in their behalf. Appointment of trustee.

Provisions of act extended.

SECTION 3. For the purpose of enabling the said trustee to present the claims contemplated by this act, the provisions of said chapter 446, of the private and local laws of 1868, are hereby extended to the first day of November, 1877.

Other claims may be considered.

SECTION 4. The provisions of said act are also extended as aforesaid, for the purpose of allowing said commissioners to consider and allow, until the said 1st day of November, 1877, any other claims justly coming within the provisions of said act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1877.

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[*Published March* 7, 1877.]

## CHAPTER 85.

AN ACT to authorize the city of Racine to appropriate certain moneys.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Payment of damages authorized.

SECTION 1. The common council of the city of Racine are hereby authorized to pay the amount of damages awarded for the taking of lands in block 65 in the fourth ward, for public use, out of the special fund raised to build a bridge across Root river, at the foot of Main street, in the first ward.

SECTION 2. This act shall be in force from and after its passage.

Approved March 1, 1877.

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[*Published March* 5, 1877.]

## CHAPTER 86.

AN ACT to authorize the levy of a special tax in the ninth and tenth wards of the city of Milwaukee, for the purchase of a public park.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Levy of special tax authorized.

SECTION 1. For the purpose of purchasing the triangular tract of land lying between Walnut street, Thirteenth street and Fond du Lac avenue, in the ninth

ward of said city of Milwaukee, for the purposes of a public park (in case said city shall conclude to purchase the same for such purpose,) the common council of said city is hereby authorized to levy a tax of not exceeding two mills on the dollar upon all taxable property, real and personal, in the ninth and tenth wards of said city, at the time of levying other city taxes for the year 1877, in said wards, in addition to the amount authorized to be raised by law for ward purposes in each of said wards for said year 1877.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1877.

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[*Published March* 7, 1877.]

## CHAPTER 87.

**AN ACT for the limitation of tax certificates owned by counties or municipal corporations.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. After fifteen years from the day of sale of any lands or lots, whether heretofore sold or hereafter to be sold, for the nonpayment of taxes, no deed shall be issued on any certificate of such sale, owned by a county or municipal corporation, or by an assignee of a county or municipal corporation. **When deed shall not be issued on certificate.**

SECTION 2. This act shall not be held or construed to extend in any way the period of limitation for the issue of tax deeds now fixed by law. **Construction of act.**

SECTION 3. This act shall take effect and be in force on and after January 1st, 1878.

Approved March 1, 1877.

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[*Published March* 7, 1877.]

## CHAPTER 88.

**AN ACT to appropriate to the fish commissioners of the state of Wisconsin a sum of money therein named.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to the fish commissioners of the state of Wisconsin, out of any **Appropriation.**

moneys in the treasury not otherwise appropriated, the sum of eight thousand ($8,000) dollars, to be drawn and expended by them under and pursuant to the provisions of chapter 307, of the general laws of 1876, and acts amendatory thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1877.

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[*Published March* 5, 1877.]

## CHAPTER 89.

AN ACT to incorporate the city of Chilton.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

## CHAPTER 1.

THE CITY OF CHILTON — CORPORATE POWERS, BOUNDARIES, ETC.

General corporate powers.

SECTION 1. All that district of country hereinafter described, from and after the first Monday of April, A. D. 1877, shall be a city by the name of "Chilton," and the people now inhabiting and those who shall inhabit said district, shall be a municipal corporation by the name of the city of Chilton, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with, suing or being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure; *provided*, that the question of the adoption of this act as a charter of such city, shall be submitted to the electors of such territory before such charter shall become operative. For the purpose of determining such question, the qualified electors residing in such territory shall meet on the twentieth day of March, 1877, at 10 o'clock A. M. of that day, at such place as the inspectors of such election shall appoint, and vote by ballot upon such question. R. Schlichting, George Oram and Michael

Charter to be submitted to vote of people.

Connelly are hereby apppointed inspectors of such election. In case of vacancy in such board of inspectors, the electors present shall choose *viva voce* from the qualified electors of such territory so many inspectors as there are vacancies in said board, and the persons so chosen shall be authorized to act as inspectors of such election. Such inspectors shall give notice of such election by posting notices thereof in at least three public places in such territory, at least five days prior to such election. Such notice shall specify that at the time and place mentioned in said notice, a meeting of the qualified electors of such territory will be held to determine the question of the acceptance of this charter. At such meeting the polls shall be opened at ten o'clock in the forenoon, and shall be kept open till 5 o'clock in the afternoon, when they shall be closed; but such inspectors may close the polls at 12 o'clock, noon, for one hour, giving notice thereof. The time of opening and closing the polls shall be specified in the notice of such meeting. Such inspectors shall preside and act as inspectors at such meeting, and shall appoint some qualified person to act as clerk thereof; and all the laws of this state applicable to the election of town officers shall apply to such meeting and to all proceedings thereat, so far as the same may be applicable and are consistent with the provisions of this act. Every elector residing in such territory, and qualified to vote for town officers in the town in which such territory or any part thereof shall lie, may vote at such meeting by a ballot having thereon the word, "yes," or the word "no." If the majority of the ballots given at such election shall have thereon the word "no," the electors of such territory shall be deemed not to have assented to the incorporation thereof as a city under the provisions of this act, and such act is hereby declared to be inoperative. But if a majority of such ballots shall have thereon the word "yes," the inhabitants of such territory shall be deemed to have accepted the provisions of this charter and this act shall be of full force, and the territory following shall comprise and constitute the city of Chilton, to wit: Lots number nine (9), ten (10), eleven (11) and twelve (12), in section number seven (7). Lots number five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11 and twelve (12), in section number eighteen (18); and lots number five (5), six (6), seven (7) and eight (8), in section number nineteen (19), all in township

City boundaries.

number eighteen (18) north, of range number twenty (20) east; and also the south half of section number twelve (12), all of section number thirteen (13), and the north half of section number twenty four (24) in township number eighteen (18) north, of range number nineteen (19) east. The said inspectors shall make a certified return of the results of such election and file duplicates of the same, together with copies of this act, in the office of the register of deeds of the county of Calumet, and the town clerk of the town of Chilton and such returns shall be *prima facie* evidence of the facts therein stated and the regularity of all proceedings in relation to such election.

Ward boundaries.

SECTION 2. The said city shall be divided into three wards as follows: All of the territory above described lying north of the Manitowoc river, and south and west of the following boundaries to wit: Commencing at the intersection of the Manitowoc river and Madison street in said village, running thence north along the centre of Madison street to Washington street, thence west and westerly along the centre of said Washington street to Main street, thence northwesterly along the centre of said Main street and the state road to the west line of said territory, shall constitute the first ward of said city of Chilton; all the territory lying north and east of said boundary and north of the Manitowoc river shall constitute the second ward of said city of Chilton; and all that territory lying south and east of the Manitowoc river within the limits first above mentioned shall constitute the third ward of said city of Chilton.

## CHAPTER II.

### TIME OF HOLDING ELECTIONS.

Annual elections.

SECTION 1. The annual election for ward and city officers shall be held on the first Tuesday after the first Monday in April in each year, at such places as the common council shall designate, and the polls shall be kept open from 9 o'clock in the forenoon till 5 o'clock in the afternoon, with this proviso: That an adjournment may be had in the discretion of the inspectors of election, for one hour between the hours of 12 o'clock M. and 1 o'clock P. M., upon due notice thereof given at the opening of the polls. Previous notice of six days shall be given of such elections, signed by the clerk, stating the time and place of holding the same, and of the city and ward officers to be elected, which

notice shall be posted in one public place in each ward of said city.

SECTION 2. The elective officers of said city shall be a mayor, who by virtue of his office shall be supervisor of said city, and as such shall be the sole representative of and for said city in the county board of supervisors of said county of Calumet; a treasurer, one assessor, a clerk and a city marshal, elected by and for the city at large; and one justice of the peace and two aldermen from each ward. The mayor, treasurer, assessor, marshal, clerk and justices shall be qualified voters and residents of the city of Chilton, and the aldermen shall be qualified voters and freeholders in the city of Chilton. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council. All elective officers, except aldermen and justices of the peace, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified; *provided, however*, that the common council shall have power for cause, to expel any of their own number, and to remove from office any officer or agent under the city government, due notice in writing being first given to the officer complained of. The justices of the peace shall hold their offices for two years, and until their successors are elected and qualified. The mayor shall have power to suspend any police officer or watchman appointed by the council, when complained of, for cause, until the council shall take up his case and dispose of it, which shall be done within ten days after such suspension. The mayor shall also have power to fill any vacancy thus created, for the time being, and until such case be so acted upon by the common council. **Elective officers.**

SECTION 3. Whenever a vacancy shall occur in the office of mayor, treasurer, justice, clerk, alderman, or marshal, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office, shall be filled by the common council. The person elected or appointed to fill any vacancy, shall hold his office and discharge the duty thereof for the unexpired term, and with the same rights, and subject to the same liabilities as the person whose office he may be elected or appointed to fill. **Vacancies.**

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective **Election to be by ballot.**

office shall receive an equal number of votes for the same office, the election shall be determined by casting lots in the presence of the common council, at such time and in such manner as they shall direct.

Qualification of electors.

SECTION 5. All persons who are qualified electors of the state of Wisconsin and entitled to vote at a general election, and who have resided in the city of Chilton thirty days next preceding the election, and who shall have paid their poll tax as required by law for the year next preceding the election, or was then exempt from the payment thereof by the provisions of this act, shall be entitled to vote for any officer to be elected, and be deemed qualified electors at city elections, but this section shall not apply to the first city election, to be held on the first Tuesday in April, A. D. 1877, at which first election all persons who have been for thirty days residents of the territory within the city limits and who are qualified electors of this state, shall be entitled to vote for all elective city officers, and nothing herein shall be construed as relating to any general election.

Officers of election.

SECTION 6. The mayor and the senior alderman from each ward shall be inspectors of all elections held in said city, and the city clerk shall act as clerk of all elections, or in his absence, the board of inspectors may appoint an elector of said city for that purpose, and at any general election two electors thereof, in the absence of the clerk, and if the clerk be present, one elector shall be so appointed. The inspectors of election of said city at the next election and at all elections hereafter held in said city for city affairs, shall provide three ballot boxes, one to be marked "First Ward," one marked "Second Ward," and one marked "Third Ward," and at such elections the inspectors shall deposit each elector's ballot in the box marked for the ward in which such elector shall reside. Each ballot may have written or printed thereon the names of all persons voted for at large in said city, and also for any ward officer for the ward in which the elector resides.

Oath of elector.

SECTION 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote shall be challenged by an elector, the inspectors before receiving the vote of any such person shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age, and that you are a citizen of the United States (or have declared your intentions to become a

citizen conformably with the laws of the United States on the subject of naturalization); that you have resided within the state of Wisconsin one year; that you have been an actual resident within this city for thirty days next previous to this election, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election, and that you have paid your poll tax as required by law for the year preceding this election, or that you was exempt from the payment of poll tax the preceding year by the provisions of the city charter, or by reason of non-residence within the city limits," which oath any member of the board of inspectors is hereby authorized and empowered to administer; and in addition thereto the person so offering to vote shall still further show by the statements of two qualified electors that he has resided in said city thirty days previous to the said election; and if the person offering to vote shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof upon indictment or information shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote for any other ward than the one in which he resides, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes, which list shall be filed with the city clerk. The penalty for any unlawful or illegal conduct of clerks or inspectors of such election shall be the same as that provided by the statutes of this state for similar conduct at any general election. At the first city election held in April, 1877, the oath above mentioned shall be so modified as to meet the qualifications of voters at that election.

Penalty for illegal voting.

SECTION 8. When the polls of an election shall be finally closed, the inspectors of election shall proceed to count and canvass the votes of each of the boxes, one box being completed before another shall be opened, and shall make a return of the number of votes cast for each and every office, and the number of votes for each and every person for each and every office, and shall deliver such return to the city clerk immediately after such election, and shall declare the result as

Canvass of votes.

it appears from the same, and the city clerk shall, within twenty-four hours, give notice to each person elected of his respective election. In all cases of the election or appointment of any person to office the common council shall file with the clerk a certificate signed by three or more of said council, giving the name of the person elected or appointed, and the term for which he was so elected or appointed, and the clerk shall record such certificate in the book containing the record of the proceedings of said common council. Whenever a justice of the peace or city marshal shall be elected, the clerk shall forthwith give notice thereof in writing to the clerk of the circuit court of Calumet county, giving both the names and the term for which elected, and upon the election of a mayor or a treasurer, the clerk shall give like notice to the clerk of the board of supervisors of said Calumet county, and those county officers, upon receiving such notices, shall file the same in their respective offices.

Special elections.

SECTION 9. Special elections to fill vacancies or for any other purpose shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as regular elections and within such time as may be prescribed by the common council.

When office to be deemed vacant.

SECTION 10. Any officer removing from the city, or any alderman removing from the ward for which he was elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to qualify and enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

Election of aldermen.

SECTION 11. There shall be elected at the first election under this act one alderman for each ward, who shall hold his office for one year, and one alderman for each ward who shall hold his office for two years, and thereafter, at each annual election, one alderman in each ward, who shall hold his office for two years, and the first election under this act shall be held at one place to be designated by the said R. Schlichting, George Oram and Michael Connelly who shall act as inspectors of such first election, and shall prescribe the manner of holding and conducting such election, and shall provide ballot boxes for the rceeption of ballots from the qualified voters of the respective wards, and shall canvass and make returns of the result of such election as provided by this chapter and the general

laws of this state, and the clerk appointed by them shall give the required notice thereof as required by this act, and all duties herein required of the common council in regard to elections shall be performed so far as may be necessary by the said R. Schlichting, George Oram and Michael Connelly and the said clerk so appointed by them in regard to the first election and the organization of the city government under this act.

Votes to be on one ballot.

SECTION 12. The votes for mayor and all other elective officers shall be on one ballot, and shall be deposited in the respective ward ballot boxes by said inspectors of election.

Distinction to be made in voting for aldermen.

SECTION 13. At the first election aforesaid there shall be written or printed or partly written and partly printed, after the name of one alderman voted for, the words "for one year," and after the name of the other alderman voted for, the words "for two years," and no elector shall vote for more than two persons for the office of alderman, and shall only vote for the ward officers of the ward in which such elector resides.

When terms of office to commence.

SECTION 14. The term of every officer elected under this act shall commence the second Tuesday after the first Monday of April of the year for which and in which he was elected, and shall, unless herein otherwise provided, continue for one year and till his successor is elected and qualified.

When first election to be held.

SECTION 15. The first election of officers under the provisions of this act shall be held on the first Tuesday after the first Monday in April, A. D. 1877. The election of justices of the peace shall be held at the same time and place, and so every two years thereafter. The justices of the peace now residing within the territorial limits of said city of Chilton shall hold their offices until their terms of office expire, in addition to the justices who may be elected under this act.

New election.

SECTION 16. Should there be a failure to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days notice of the time and place of holding the election first being given.

## CHAPTER III.

### OFFICERS — THEIR POWERS AND DUTIES.

Officers to take oath and give bonds.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office

and file the same duly certified by the officer taking the same, with the clerk of the city. The treasurer, clerk, marshal, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Chilton a bond, with at least two sureties, who shall swear that they are worth in the aggregate the penalty specified in said bond over and above all debts, exemptions or liabilities, and said bond shall contain such penal sum and such conditions as the common council shall deem proper, and such bonds shall be approved by the common council or three members thereof, and said council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Duties of mayor.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time give the common council such information, and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and in case of a riot or other disturbance or apparent necessity, he may appoint as many special or temporary policemen as he may deem necessary. The mayor shall in all cases have a vote in the common council, and said mayor, by virtue of his office, shall be supervisor of said city, and as such shall represent said city in the county board of supervisors of said county of Calumet. The common council shall, at their first regular meeting after their election, choose one of the board of aldermen, who shall be styled "president of the board of aldermen," and who, in the absence of the mayor, shall act as such mayor, and shall have and possess all the rights and privileges of said office, and be subject to all the liabilities thereof during such absence of the mayor.

Duties of city clerk.

SECTION 3. The city clerk shall perform all the duties required by law to be performed by him. He shall be keeper of the books, records and papers, and the corporate seal of the city, and the records of the proceedings of the council, and shall possess the same powers that town clerks possess by law, to issue transcripts from the records of his office, and they shall, when certified by him, be received in all courts in like

manner and effect. He shall draw and countersign all orders on the city treasurer, and keep a record of the same. He shall file in his office all chattel mortgages left with him to be filed, and the renewals thereof, and keep the same, receiving the same fees allowed by law to town clerks therefor, and the said mortgages and renewals shall be as valid and lawful as when filed in the office of town clerks, and the said clerk shall possess authority to administer oaths, and he shall receive such compensation as the common council shall provide by ordinance or resolution.

Powers and duties of justices.

SECTION 4. The justices of the peace elected under this act shall have the same and equal jurisdiction, and perform all and like duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements required to be given by them shall be approved by the mayor of said city; and one of said justices, to be appointed by the common council, and to be called the police justice, in addition to his said jurisdiction as justice of the peace, shall have exclusive jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by said common council, unless otherwise provided.

Duties of city treasurer.

SECTION 5. The city treasurer shall perform all the duties required of him by law, collect all city, county and state taxes, pay over the moneys in his hands according to law. He shall keep in a proper book an account of all moneys received, and of all moneys paid out, and the same shall at all times be open to the inspection of the voters of said city. He shall make reports monthly, and render an itemized account to the common council of all sums received, when and by whom the same was paid, and also of all moneys by him paid out, and all moneys raised, received, recovered or collected by means of any tax, license, penalty, forfeiture, fine or otherwise, belonging to said city under the authority of this act, shall be paid into the treasury of said city, and shall not be drawn therefrom except by an order issued by order of the common council and signed by the mayor or acting mayor, and countersigned or attested by the clerk. The treasurer shall have the same powers and be subject to the same liabilities and be governed by the same laws as treasurers of towns in this state; *provided*, that he shall receive no other fees except the compensation hereinafter provided.

Duties of marshal.

SECTION 6. The marshal shall attend all the meet-

ings of the common council, unless excused by the council, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and collection of license moneys and fines. He shall possess all the powers and authority of constables of towns and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary, in criminal cases, or for the violation of any ordinance of said city or law of this state, may pursue and serve the same in any part of this state. It shall be his duty to supress all riots, disturbances and breaches of the peace and to remove all obstructions in the streets and alleys of said city and to abate all nuisances in said city, to apprehend, with or without warrant any person in the act of committing any offence against any ordinance of said city or laws of this state and within reasonable time bring such person or persons before competent authority for examination; and for such services he shall receive such fees as are allowed by law to constables for like services in this state. He shall have power to appoint one or more deputies subject to the approval of the common council but for whose official acts he shall be responsible and of whom he may require bonds for the faithful discharge of their duties; such deputies shall also take and subscribe the proper oath of office which shall be filed with the city clerk and when duly qualified as aforesaid such deputies shall possess like powers and authority and be subject to the same liabilities with the marshal.

**Further duties of officers.**

SECTION 7. The common council shall have the power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

**Penalty for withholding books, etc.**

SECTION 8. If any person having been an officer in said city shall not within ten days after notification and request, deliver to his successor in office all property, books, papers and effects belonging to said city, pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars,

besides all damages caused by his neglect or refusal so to deliver over the same; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

**Officers not to be interested in contract with city.**

SECTION 9. No mayor, alderman or street commissioner shall be a party to or interested in any job or contract with the city, or any of the wards thereof, and any contract in which they or either of them may be so interested shall be null and void, and in case any money shall have been paid on any such contract the common council may sue for and recover the amount so paid from the parties to such contract, and the mayor, alderman or street commissioner interested in the same.

**Officers of the peace.**

SECTION 10. The mayor or acting mayor, sheriff of said Calumet county, and each and every alderman, justices of the peace, marshal, under sheriff and deputy sheriffs, of Calumet county, deputy marshals, policemen and watchmen of said city shall be officers of the peace, and may command the peace and suppress, in a summary manner, all rioting and disorderly behaviour, within the limits of said city, and for such purpose may command the assistance of all bystanders and, if needs be, of all citizens and military companies in said city; and if any person, bystander, military officer or private citizen, shall refuse to aid in maintaining the peace when so required, every such person so refusing shall forfeit and pay a fine not less than five nor more than fifty dollars, and in case when the civil power may be required to supress riot or disorderly behavior, the superior or senior officer present, in the order mentoned in this section shall direct the proceedings.

**Powers and duties of police justice.**

SECTION 11. The police justice shall have and possess in addition to the authority, powers, and rights of a justice of the peace in civil and criminal actions and proceedings, sole and exclusive jurisdiction of all offenses against the provisions of this charter and the ordinances, by laws, and police regulations of the common council of the city, and shall have the same powers and authority in cases of contempt as a court of record; *provided*, that nothing herein contained shall be construed so as to divest the judge of the circuit or county courts of their authority as conservators of the public peace, nor to affect, impair or limit in any manner the jurisdiction of the circuit and county courts. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services, and such fur-

ther compensation as the common council may allow and prescribe. In case of the absence, sickness or inability of the police justice, the mayor by warrant may authorize any justice of the peace within the city, elected under the provisions of this act, to perform the duties of police justice, and it shall be the duty of the mayor to inform the city marshal of such substitution and make a report thereof to the common council, and they may confirm or set aside such appointment, and before action thereon be had by the council the justice so appointed shall have all the authority, powers and rights of police justice. Appeals and writs of certiorari may be taken from the police justice in the same manner as from other justices of the peace.

**Powers and duties of justices of the peace.**

SECTION 12. The justices of the peace of said city shall possess and they are empowered to exercise the same and like jurisdiction, powers and duties, and shall be subject to the same liabilities and regulations as are conferred upon and required of justices of the peace of the several towns of this state. All prosecutions for assaults, assaults and batteries, and affrays not indictable, and for a breach or violation of any such by-law, ordinance or regulation, shall, in all cases when the same have been committed within the limits of said city, be commenced in the name of the city of Chilton, and the same proceedings shall be had in all civil and criminal suits before said justices of the peace when not otherwise herein directed, as are established and required to be had in civil and criminal actions and proceedings by the laws of this state before justices of the peace; *provided*, that in case of prosecution for a breach or violation of an ordinance, by-law or regulation of said city, or its charter, or for any assault, assault and battery, or breach of the peace, or any affray not indictable, committed within the limits of said city, defendants shall have the same rights of appeal under the same provisions and requirements as now are or may be provided by the laws of this state for taking appeals from justices of the peace. All fines and penalties imposed by said justices of the peace for offences committed within the limits of said city, or by the police justice for violation of any city ordinance by-law or regulation, shall belong to and be paid over to the treasury of said city, and be a part of the finances thereof. Nothing in this section, nor in this act, shall be construed so as to interfere with the exclusive jurisdiction of the police justice, as laid down and defined in the preceding section.

SECTION 13. The said justices of the peace and police justice shall, as often as the common council of said city shall require of them, report to said common council all the proceedings instituted before them in which said city is or may be interested, and shall at the same time account for and pay over to the treasurer of said city all fines and penalties collected by them and belonging to said city. Said justices of the peace shall be entitled to receive, in all cases had before them in which the said city is interested, the same fees as are provided by law for justices of the peace of the several towns of this state, in similar cases had before them.

Police justice and justices of the peace to report to council.

SECTION 14. The city assessor shall assess the real and personal property of said city at the time and in the manner provided for assessing towns in this state, and shall perform all other duties prescribed and directed by this act for him to perform, and his compensation therefor shall be provided by the common council at the beginning of his official year.

Duties of city assessor.

SECTION 15. It shall be the duty of the street commissioner, within ten days after his appointment and qualification, to inspect all the streets in the city, all sidewalks, crosswalks, ditches, gutters, culverts, and all bridges and approaches thereto, and all matters and things appertaining to the streets, and report to the common council recommending what in his opinion is necessary and ought to be done thereto. On the receipt thereupon the common council shall consider the same, and may adopt the whole or any part thereof, add to, strike out, amend or change any part thereof, and as soon as they have passed upon said report and recommendations, the street commissioner shall be informed of the action had thereon, whereupon said street commissioner shall cause such work to be done in accordance with the common council's amendments to his report, and according to the orders and directions of said common council. Any party or parties may petition the common council for any work or improvement they may particularly desire to be done, and said council may act thereupon as they may deem fitting and proper, and said street commissioner may at other times make such other reports as the necessities of the case may require.

Duty of street commissioner.

SECTION 16. It shall be the further duty of the street commissioner to employ men and procure utensils, implements, teams, materials, and whatever may be needful in performing such street and city work, and all this he shall do under the direction and advice

Further duty of street commissioner.

of the common council, and he shall superintend all such work when directed by the council so to do, and shall keep an accurate account of all materials procured and of all teams and utensils and men employed by him, and be able to certify to the account therefor, and shall do and perform or cause to be done any and all other duties pertaining to his office that may be prescribed from time to time by the common council; *provided, however*, that no street commissioner shall contract nor create any greater expense to the city in any one year than the amount raised by the common council for highway purposes.

How payments for street purposes payable.

SECTION 17. All accounts against the city for either work, hire or materials for street purposes, including street commissioners services, shall be paid out of the "highway fund," by orders drawn specifically against that fund, and issued by the common council; *provided, however*, that the expense of building any bridge, or the repairs thereof shall be provided for and paid out of the general fund of said city. All such accounts for street purposes, except for work and hire, shall be duly verified, and when they arose or were created under the direction of said street commissioner, shall be certified by him to be true and correct in all particulars. The common council may at its option let all or any of such street work by contract to the lowest bidder, but the expense shall be paid from the "highway fund." The street commissioner shall be paid for his services, and for every day's service actually rendered shall receive such compensation as the common council and said commissioner shall agree upon at the beginning of his official year, or he shall be paid such sum per annum in lieu thereof, for the services required to be performed by him, as he and the common council can agree upon at the beginning of his official year. The common council may at any time remove such street commissioner from office by a two-thirds vote of said common council.

## CHAPTER IV.

### THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

Common council.

SECTION 1. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services, unless they be acting as inspectors of election, or as members of a board of registry or equalization, and the style of all ordinances

shall be, "The mayor and common council of the city of Chilton do ordain," etc. The common council shall meet at such times and places in said city as they by resolution shall direct. A majority of the aldermen shall constitute a quorum, but a less number may adjourn from time to time.

Meetings of council.

SECTION 2. The common council shall hold their first annual meeting in each year on the first Tuesday after the regular city election, and thereafter stated meetings at such times as they shall appoint, and the mayor may call special meetings by notice to each of the members, to be served personally, or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judges of the election and qualification of its own members, and have the power to compel the attendance of absent members.

General powers of common council.

SECTION 3. The common council shall have the control and management of the finances and of all property of the city, and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws, for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such ordinances, rules and by-laws are hereby declared to be, and have the force of laws; *provided*, they are not repugnant to the constitution and laws of the United States or of this state, and for those purposes shall have authority by ordinances, resolutions or by-laws:

To grant licenses.

1st. To license and regulate the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, bagatelle tables, pigeon hole tables and bowling saloons, etc., and to provide for the abatement and removal of nuisances, under the ordinances or at common or statute law, and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; *provided*, that the sum to be

paid for any such license shall not be less nor more than the amount per annum established by the general laws of the state of Wisconsin; and that all such licenses hereafter granted shall run from the first day of May in each year; *provided, however*, that when any such license may be applied for after that date, the same may be granted to expire on the said first day of May of each year, on the applicant paying pro rata therefor, but no license shall be granted for a longer term or period than one year.

2nd. To restrain, prohibit and suppress all description of gambling and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending or giving away or dealing in any spirituous, fermented or vinous liquors, unless duly licensed by the common council, and to license, regulate and suppress hawkers and peddlers.

3rd. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act, or any ordinance of the city of Chilton, by reason of him or her being implicated in any such offense, but the testimony of such witness shall in no case be used against such witness.

To abate nuisances.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

To enforce police regulations

5th. To direct the location and management of slaughter houses and markets, and to prevent the erection of, and use and occupation of the same, when the offal or filth therefrom shall discharge into the waters of the rivers, lakes, ponds or sloughs, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of the same, or other combustible material.

6th. To prevent the encumbering of streets, sidewalks, lanes or alleys with carriages, sleighs, boxes, lumber, firewood, or any other materials or substances whatever.

7th. To prevent horse racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance.

10th. To prevent persons from bringing, depositing or having within said city any putrid carcass or unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, or on default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

11th. To establish and make public pounds, pumps, wells, cisterns and reservoirs of the city, to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city; and to erect lamps for lighting the streets, public grounds and public buildings, with gas or otherwise.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds, set apart for public use, from taxation.

13th. To establish the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

14th. To prevent all persons riding or driving any horse or mule, cattle and other animals on the sidewalks in said city, or in any way doing damage to said sidewalks.

15th. To prevent shooting off firearms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city, or any property therein, or annoying to the citizens thereof.

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removal and punishing any person or persons who may be guilty of the same.

17th. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments.

18th. To make rules and ordinances for the government and regulation of the police of the city.

To regulate markets.

19th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for interrupting or interfering with the due observance of such rules and regulations; to license and regulate butcher stalls, shops and stands for the sale of game, poultry, meats, fish and other articles.

20th. To regulate the place or places, and the manner of weighing and selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

21st. To compel the owners of buildings or grounds or the occupants, where the same are occupied, to remove snow, dirt, or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

To enforce health regulations.

22d. To regulate, control and prevent the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

23d. To regulate the time, place and manner of holding public auctions and vendues.

24th. To appoint watchmen and prescribe their duties.

25th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

26th. To protect trees and monuments in said city.

27th. To prescribe and regulate the construction of sewers within the city.

28th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, and alleys, and to keep them free from any incumbrances, and to protect them from injury.

29th. To alter or change the name of any street in the city.

30th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order

and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city, by this act; or which may be vested in any officer of said city by any ordinance thereof.

How ordinances, etc., passed and published.

SECTION 4. All laws, ordinances, regulations, resolutions and by-laws, shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in a paper or papers, both selected by the common council, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively within the same time, shall be proved by the affidavit of the foreman or publisher of each newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

What deemed nuisances.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts, according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spiritous, vinous or fermented liquors are sold, without the license required thereof, houses or buildings of any kind wherein more than 100 pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

Council to audit accounts and settle with officers.

SECTION 6. The council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and other officers and agents of the city, at such times as they may deem proper; also at the end of each year, and before the term for which the officers of the said city are elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement: and if any such officers or agents shall refuse to comply with the orders of the council in the discharge of their said duties in pursuance of this section, or shall neglect or refuse to render their accounts or present their books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant, and the common council

shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

In whom corporate authority vested.

SECTION 7. The corporate authority of said city shall be vested in one principal officer styled a mayor, in one board of aldermen consisting of two members from each ward, who with the mayor shall be denominated the common council, together with such other officers as may be created under this act.

## CHAPTER V.

### FINANCE AND TAXATION.

City funds—How to be paid out.

SECTION 1. All funds in the treasury except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk duly authorized by a vote of the common council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes except school and special taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city, or the city's proportion of the bonds of the town of Chilton, which shall be collected in money or in orders drawn upon such funds respectively, and all orders shall be payable to the person or to the order of the person in whose favor they may be drawn, or bearer.

Council to levy tax.

SECTION 2. The common council of said city shall annually levy upon the taxable property of said city to defray the current and lawful expenses of said city and its schools, a tax sufficient to defray the same. Provided said common council shall not levy a tax for general purposes exceeding one-half of one per cent. upon the assessed valuation of said city in any one year, unless authorized to raise a greater sum by the majority of the electors of said city at a general or special election.

Bonds of city not to be issued.

SECTION 3. The common council of said city shall not have power to issue any bonds or other evidences of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue in any one

year orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act; *provided*, that whenever it shall be necessary to build or repair bridges, a special tax may be levied for such purpose not exceeding one thousand dollars in any one year, and the said special tax when so levied shall be collected at the same time as other city taxes are collected.

Special taxes.

SECTION 4. Special taxes may also be levied by the common council at any regular meeting for the purpose of paying the interest or principal of the said city's proportion of any outstanding bonds now due, or hereafter to become due, issued by the town of Chilton, or for the purpose of paying the interest or principal of any bonds which may hereafter be issued by said city of Chilton by authority of law; *provided, however*, that no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on such bonds at the time such tax shall be collected by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes; said taxes, when so levied, shall be collected at the same time other city taxes are collected.

Accounts to be verified.

SECTION 5. No account shall be allowed by the common council unless the same is properly verified by the owner thereof or some person in his or her behalf, except it be for street work or hire under the supervision of the street commissioner, duly certified by him.

Appeal to circuit court.

SECTION 6. When the claim of any person against the said city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such council to the circuit court of Calumet county, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to such city with sufficient surety to be approved by said clerk, county judge or court commissioner of said county, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against appellant by the court.

City clerk to give notice of appeal.

SECTION 7. The city clerk upon such appeal being taken shall immediately give notice thereof to the mayor and common council or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said common council with their decision thereon and shall file the same together with said notice and all papers in the

case in his possession with the clerk of the circuit court for the county of Calumet, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs thereupon shall be awarded in like manner, *provided, however*, that whenever an appeal is taken from the allowance made by said common council upon any claim and the recovery upon such appeal shall not exceed the amount allowed by said council exclusive of interest upon such allowance, the appellant shall pay the cost of appeal which shall be deducted from the amount of the recovery, and when the amount of the costs exceeds the amount recovered, judgment shall be rendered against the appellant for the amount of such excess.

**Action not to be brought until claim has been considered by council.**

SECTION 8. No action shall hereafter be maintained by any person against the city of Chilton upon any claim or demand other than a city bond or order unless such person shall first have presented his claim to the common council of said city. The determination of the common council disallowing in whole or in part any claim of any person shall be final and conclusive and a perpetual bar to any action in any court founded on such claim unless an appeal shall be taken from the decision and determination of such common council as hereinbefore provided or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city; *provided, however*, that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be construed so as to prevent the institution and maintenance of any action by said claimant against said city.

## CHAPTER VI.

### OPENING OF STREETS AND ALLEYS.

**Authority of council to lay out streets and alleys.**

SECTION 1. The common council shall have power to lay out streets and alleys, and to widen the same as follows: Whenever ten or more freeholders, residing in any ward, shall, by petition represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside for the public use for the purpose of laying out streets or alleys or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of

the owners of such premises if the same shall be known to such petitioners, to be set forth in said petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there be, or if any portion of said lands shall not be in actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published four weeks successively, at least once in each week, in some newspaper published in said city of Chilton.

**Jury to be appointed to view premises to be taken.**

SECTION 2. Such notice shall state that upon a day therein to be named, not less than then ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the police justice of said city of Chilton, or a court commisssoner for the county of Calumet, for the appointment of twelve jurors to view said premises, and determine whether it will be necessary to take the same for the purposes specified in said petition.

**Police justice or commissioner to issue precept.**

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said police justice or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which said premises may be, nor interested in the result of such application. The said police justice or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises to be specified in said precept, and to make returns under their hands, to the common council, whether, in their judgment, it is necessary to take said premises for the purposes specified in such application.

**Marshal to serve precept.**

SECTION 4. The marshal of said city shall serve said precept immediately on the jurors therein named by reading the same to every one that can be found; and immediately after such service he shall return the said precept to the police justice or court commissioner who issued the same, together with his doings thereon.

**Appointment of new jurors.**

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the police justice or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

**Oath to be administered to jurors.**

SECTION 6. The said police justice or court commissioner, or any justice of the peace, shall thereupon

administer an oath to said jurors berore entering upon the discharge of their duties, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them, which oath shall be filed in the office of the city clerk.

Jury to view premises.

SECTION 7. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among their proceedings confirming said report and directing the same jurors within twenty days thereafter, or such future time as shall be necessary, to again view said premises for the purpose of ascertaining and determining the amount of the damages to be paid, to the owner or owners of said property proposed to be taken, and to assess and return, within the time limited, such damages to the common council; and after the jurors shall have made their report, as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors, in the place of any who shall neglect or refuse to serve, in ascertaining the amount of compensation, as above, and all the jurors before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent officer that they are freeholders in said city, and are not interested in the premises to be taken; and that they will faithfully and impartially discharge the trust reposed in them.

Jury to determine value of buildings.

SECTION 8. If there should be any building in whole or in part upon the land to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner aside from the value of the land, and the in-

jury to him in having such building taken from him to remove.

SECTION 9. At least ten days personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a nonresident, notice to all parties interested shall be given by publication in some paper of said city three successive weeks, once in each week; such notice shall specify the building and the award of the jurors. It shall require the parties interested to appear by a day therein named or give notice of their election to the common council, either to accept the award of the jurors and allow such building to be taken, with the land appropriated, or their intention to remove such building. He shall have such time for this purpose as the common council may allow.

**Ten days notice of determination to be given.**

SECTION 10. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days notice of such sale. The proceeds shall be paid to be owner or deposited to his use.

**Power of council to direct sale of building.**

SECTION 11. The said jurors, within the time limited shall view and examine the premises proposed to be taken, and all such premises as will, in their judgment, be injured or be benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the actual value in money of the real estate so proposed to be taken, and the injury arising to them, respectively, in consequence of the taking thereof, which shall be awarded to such owners, respectively, as damages. In the estimates of the damages to the land, the jurors shall include the value of the building or buildings (if the property of the owner of such lands), as estimated by them aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings, according to section eight (8) of this chapter.

**Jury to make aporaisement of property.**

SECTION 12. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it

**When property belongs to different persons.**

less than an estate in fee, the injury done to such persons or interests, respectively, shall be awarded to them by the jurors.

Award of jurors to be signed.

SECTION 13. The award of said jurors shall be signed by them and returned, together with the testimony taken, and the precept, to the common council, within the time limited in such precept.

Owner of property may appeal to circuit court.

SECTION 14. Any person whose property is taken, or against whom any assessment is made, may, within ten days from the return of the jurors to the common council, appeal from said assessment of damages, to the circuit court of Calumet county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section six (6), of chapter five (5), of this act, and such appeal shall be tried by the court and jury, as in ordinary cases. The common council shall also have the right to appeal by filing with the clerk a notice thereof, within ten days as aforesaid.

Property not to be appropriated until damages are paid.

SECTION 15. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent; or in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit in some safe place of deposit, and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds, opened or laid out.

Damages to be tendered within one year.

SECTION 16. The damages assessed shall be paid or tendered or deposited as herein required, within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case shall be void.

When property may be taken.

SECTION 17. The city may pay or tender or deposit, as herein required, at any time within one year from the confirmation of such assessment, and report the damages assessed in any such case; and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among their proceedings to take and appropriate such lands for the purposes required.

Contracts, etc., to be discharged.

SECTION 18. When the whole of any tract or lot or other premises, under lease or other contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any

other contracting parties touching the same or any part thereof shall, upon the confirmation of such report, respectively cease and be absolutely discharged.

When but part of a tract is taken.

SECTION 19. When only part of a lot or tract of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same upon the confirmation of such report, shall be absolutely discharged as to the part thereof taken, but shall remain vaild as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for, or in respect to the same.

When owner is an infant or under legal disability.

SECTION 20. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant or labor under legal disability, the judge of the circuit court of Calumet county, or, in his absence, the judge of any court of record in said county, may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

Survey of street or alley to be made.

SECTION 21. Whenever any public ground, street, or alley, shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

## CHAPTER VII.

### ASSESSING, LEVYING AND COLLECTING TAXES.

Forfeitures and penalties to be paid to city.

SECTION 1. All forfeitures and penalities accruing to the city for a violation of this act, or of any of the ordinances, bylaws, rules and regulations of the city, and all moneys accruing for licenses shall be paid into the city treasury and become a part of the general fund, except as otherwise provided in this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of the aldermen elect.

Property subject to taxation.

SECTION 2. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed

in the manner hereinafter provided; the assessor elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except as far as they may be altered by this act; *provided*, however, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to the revising, altering or perfecting such rolls as they may from time to time deem advisable.

Board of assessment and duties of same.

SECTION 3. The mayor, treasurer, assessor and city clerk shall constitute the board of assessment, and the mayor shall be chairman and the city clerk the clerk thereof, and, on or before the first day of July of each year, the said assessor shall make out an accurate and complete assessment roll, which shall contain a description, as near as may be, of all lands, lots or parcels of land within the city, sufficient to indentify the same; and also of all persons or bodies politic liable to pay taxes on personal property, and opposite to each lot or parcel of land shall be affixed the value thereof, and opposite to the name of each person or body politic shall be affixed the value of personal property to each. When there are buildings upon any lot or tract of land the value of the same shall be set forth separately, when so desired by the owners thereof. The assessor may assess any lot or tract of land in such parcels as he may deem proper, but it shall be necessary to enter the name of the owner, when known, opposite to any tract, lot or parcel of land. The assessment shall be certified to by the chairman or majority of the assessment board, and such certificate shall be conclusive evidence of the orgaization of the assessment board.

Board of review.

SECTION 4. On the first and second Monday of July and at such other times as they may appoint, the assessment board shall meet at the common council chamber for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same shall make such alteration as justice and equity may require.

Return and correction of assessment roll.

SECTION 5. On or before the first day of September in each year the assessment roll shall be returned to the common council by depositing the same with the clerk. The common council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from, and otherwise revise and correct the same, but shall not have power to increase the amount of said roll, except by the value of such

real property as may have been omitted by the assessor.

SECTION 6. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk, and an order approving the same shall be entered in the proceedings of the common council. On the first monday of October in each year, or within ten days thereafter, the common council shall determine the amount of taxes to be levied for general city purposes, and also to be levied for school purposes and for paying the city's proportion of the town indebtedness, and shall by resolution levy the same; but no such resolution shall be adopted except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council; *provided*, that the said council shall not levy a tax for general purposes exceeding one half of one per cent. upon the assessed valuation of said city in any one year, unless authorized to raise a greater sum by a majority of the electors of said city at a general or special election. **Levying of taxes.**

SECTION 7. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic, assessed for personal taxes from the date of the warrant for the collection thereof until such taxes shall be paid, and no sales or transfers of such real property shall affect such lien. Any personal property belonging to the person taxed may be sold for the payment of taxes upon personal property, or real property. **Taxes to be lien upon property.**

SECTION 8. The board of supervisors of the county of Calumet may levy a tax or taxes upon such city, as now is or may be provided by law hereafter in relation to towns, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law in relation to towns and town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided. **Authority of county board to levy taxes.**

SECTION 9. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes of any previous years, and all special taxes levied by the common council since the making out of the annual tax list, in such **Clerk to make tax roll.**

separate columns as may be necessary, with the total footings carried out opposite each tract or lot of land or persons named therein, which statement shall be called the tax list of the city of Chilton, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

Tax list to be evidence.

SECTION 10. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in this state, that every act or thing required by law to be done, relating to assessing or levying taxes, from the election of officers to the completion of the tax list inclusive, has been done regularly and correctly as required by law.

Clerk to make duplicate copy of tax roll.

SECTION 11. Immediately after making out the tax list as aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor or clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law, and said clerk shall on or before the twenty-fifth day of November of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of such delivery on the tax list preserved in his office.

Collection of taxes.

SECTION 12. The city treasurer upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive one per cent fees upon all taxes paid to him before the first day of January, and two per cent. fees upon all taxes paid or collected after that time, to be added to the amount of taxes and collected with the same, and one per cent. upon all other moneys paid into the treasury, which shall be in full for services performed by said treasurer under this act or the ordinances of the city.

Return of delinquent taxes.

SECTION 13. On or before the fifteenth day of February of each year the said treasurer shall make out and return to the treasurer of the county in which said lands may be, a list of all lands and lots upon which the taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is or may

hereafter be required of town treasurers. The said treasurer shall also at the same time make out and deliver to the city clerk a list of all delinquent personal property taxes for the same year. The county treasurer shall add the same interest, penalties or fees to such delinquent returns as are allowed or are required by law upon delinquent returns from the several towns.

Sale of delinquent lands.

SECTION 14. The county treasurer shall sell all delinquent lands and lots returned from the city of Chilton at the same time and in the same manner as other delinquent lands are sold in said county.

No property exempt from special taxes.

SECTION 15. All real estate exempt from taxation by the laws of this state, shall be subject to all special taxes for the building of sidewalks and improvement of streets in front of the same.

Informality not to affect validity of tax.

SECTION 16. All the directions hereby given except in section six, of this chapter, for the assessing of lands and the assessing and levying, collections and returns of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in anywise affect the validity of the tax or the assessment.

Judgment tax.

SECTION 17. The common council shall have power, by a majority vote of all members thereof, to levy a tax or taxes to pay any and all judgments against the city.

When treasurer to be removed.

SECTION 18. In case the city treasurer shall at any time refuse or neglect to perform his duties in enforcing the payment of taxes, as provided by this act, and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office, and appoint a suitable person to fill the vacancy.

Collection of personal taxes.

SECTION 19. At the expiration of the time now or hereafter designated by the general laws of this state for the collection of personal taxes, the treasurer shall proceed to enforce the collection thereof, in the same manner as now is, or may hereafter be prescribed by such law. In case the taxes on personal property shall not be paid, or the collection thereof enforced as aforesaid, within the time provided by law for town treasurers to make returns of delinquent taxes to county treasurers, the city treasurer may issue his warrant, directed to the marshal of said city, requiring and commanding him within a certain time, in such warrant to be specified, to proceed and collect such taxes

on personal property as shall then remain unpaid. And the marshal of said city, receiving such warrant, shall be subject to all the liabilities, and shall have all the powers of levying, distraining and selling, that are herein given to the city treasurer, and shall be entitled to the fees for collecting which said treasurer would have, had the tax been collected by him.

## CHAPTER VIII.

### FIRE DEPARTMENT.

Council to establish fire limits.

SECTION 1. The common council for the purpose of guarding against the calamity of fire, shall have the power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire-proof shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent of the value thereof, and to prescribe the manner of ascertaining such damages.

Power of council to require precautions against fire.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; and to regulate and prevent the carrying on of any manufactures dangerous in causing and promoting fire; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire-wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel the by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

Power of council to purchase

SECTION 3. The common council shall have power to purchase fire engines and other fire apparatus; *pro-*

*vided*, that the common council shall not expend for such purposes a sum exceeding five hundred dollars in any one year without first submitting the question to a vote of the electors of said city, and being authorized by them to expend a larger sum; and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support of the same, and to order such companies to be disbanded and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able-bodied men between the ages of eighteen and fifty years, and may elect its own officers, except chief engineer and assistant engineers, who shall be appointed by the council, and form its own by-laws, not inconsistent with the laws of this state, or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed shall be exempt from poll tax, and from serving on juries and military duty, except in case of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of ten years in either of such companies, shall be forever thereafter exempt from poll tax, and military and jury duty, except as in cases before mentioned.

**Fire apparatus and organize fire companies.**

SECTION 4. There shall be a meeting of the members of said companies on the third Monday of April in each year, at such place as may be designated by the chief engineer, when they may nominate and recommend to the common council for appointment one chief engineer, two assistant engineers, and one treasurer, and the common council shall thereupon confirm or reject said nominations; and the persons so appointed shall perform such duties as the common council shall prescribe. In case the common council shall reject such nominees, the said members shall, at a meeting held a week after such rejection, nominate other persons to hold such offices, which nominations shall also be subject to the approval of the common council.

**Meeting of fire companies and appointment of officers.**

SECTION 5. The mayor shall appoint fire-wardens for each ward, subject to confirmation by the common council, who shall perform such duties as the common council may prescribe; said wardens may at any time enter into any building, house, store, barn or inclosure for the purpose of inspecting the same.

**Appointment of fire wardens.**

SECTION 6. One half of the net proceeds of all fines and penalties recovered for the breach of any ordi-

**Portion of fines and penalties to be paid to fire department.**

nance, by-laws or regulation made in pursuance of this chapter, shall be paid to the fire department.

Preservation of order at fires.

SECTION 7. When any person shall refuse to obey the lawful order of any engineer, fire-warden or alderman of the city, the mayor or any police officer, at any fire, it shall be lawful for the officer giving such order to arrest or direct orally, or the marshal or watchman or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers or any of them may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars ($20).

Organization of sack company.

SECTION 8. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as they may select, and shall consist of not more than thirty (30) members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Chilton, and are hereby vested with all the power and authority which now is or may hereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Such company may from time to time adopt such by-laws as they deem necessary, not inconsistent with the laws of the state or the ordinances of said city. The members thereof shall not be entitled to any compensation for service rendered in their official capacity. They shall in case of riot or other disturbances of the peace, have access to all licensed places of amusment in the city; and shall perform such service as may be necessary for the peace and good order of the same.

Duty of treasurer of fire department.

SECTION 9. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duties by his bond to said city, in such penal sum as shall be required, and with sureties to be ap-

proved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer and countersigned by the secretary of the fire department.

Election of officers.

SECTION 10. There shall be elected by the companies aforesaid annually, at the annual meetings, one foreman, two assistant foremen, one treasurer, three trustees and one secretary, who shall, on or before the first Monday in May in each year, return to the city clerk a list containing the name of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

Duty of city clerk to keep record of members.

SECTION 11. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the secretaries, as above prescribed; and no person shall be exempt from jury duty, unless his name is entered on such list. In case any member shall, for any cause, cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors for the county of Calumet, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may be hereafter appointed for the annual meetings for the said board, and said board shall not place the names of any such persons on the jury list for the ensuing year.

Present officers to continue in office.

SECTION 12. T. McCarthy, chief engineer, and Henry Erdman, assistant engineer of the fire department of the town of Chilton, shall continue in their respective offices until their successors shall be nominated and appointed, as shall also all other officers of said fire department. Germania Hook and Ladder Company number one, and Chilton Fire Company number one, of the town of Chilton, upon duly and legally turning over, granting and assigning to the city of Chilton, their apparatus, shall, as now organized, be recognized as a part and portion of the fire department of said city, and shall have the same rights and be subject to the same liabilities as companies organized under this act. Upon the turning over and assigning to said city their said fire apparatus, the city of Chilton shall assume and discharge any indebtedness of said Germania Hook and Ladder Company number one, and Chilton Fire Company number one, which may now exist, and there-

after safely keep and provide for the care and custody of the said fire apparatus so turned over to said city.

## CHAPTER IX.

### SUPPORT OF THE POOR.

General laws relating to the poor to apply to city.

SECTION 1. The laws of the state for the relief and support of the poor in towns shall apply to said city, and the common council shall appoint one or more of their number to act as overseers of the poor of the city, who shall perform all the duties of overseers of the poor in towns.

## CHAPTER X.

### COMMON SCHOOLS.

Common schools.

SECTION 1. The common schools of the city of Chilton shall be under the supervision and control of the school district boards of each district, in the same manner as if this act had not been passed, and the same relations shall be sustained between said city and such schools, as near as may be, as between a township and the schools therein, and the same reciprocal powers and duties.

## CHAPTER XI.

### OF FINES AND PENALTIES.

Powers and duties of police justice.

SECTION 1. The police justice appointed under this act in addition to the powers, duties and jurisdiction vested in and required of him as justice of the peace by the statutes and laws of the state of Wisconsin shall have exclusive power and jurisdiction to hear and determine all charges for offenses against any provision of this act or any act amendatory thereof, and all charges for the violation of any ordinance, by-law, police, or health regulations made in pursuance of and by authority herein conferred.

City may sue in corporate name.

SECTION 2. The city of Chilton in its corporate name may sue for and recover any and all fines, penalities and forfeitures under said city charter and the acts amendatory thereof, or under the ordinances, by-laws or police or health regulations made in pursuance thereof, any general law of the state to the contrary notwithstanding; and such action shall be commenced by complaint substantially in the following form:

STATE OF WISCONSIN — *County of Calumet*, — City of Chilton — ss. Form of complaint.

——, being sworn, complains on oath to C. D., police justice in and for the city of Chilton in said county, that A. B., on the —— day of ——, 18—, at said city, did violate (section —, of chapter —, of this act, or section — of an ordinance or by-law, or regulation of said city, describing it by its title), which said —— is now in force, as this complainant verily believes; and prays that said A. B. may be arrested and held to answer to said city of Chilton therefor.

Sworn and subscribed before me this —— day of ——, 18—.

—— ——
Police Justice.

It shall be sufficient to give the number of the section and chapter of this act or the section of the ordinance, by-law or regulation violated in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the police justice, he shall issue a warrant substantially in the following terms:

COUNTY OF CALUMET,— *City of Chilton*, — *ss.* Form of warrant.

The state of Wisconsin, to the sheriff of said county, and to the marshal of the city of Chilton, greeting:

Whereas —— has this day complained to me in writing, on oath, that A. B. on the —— day of ——, 18—, at said city, did violate (section —— of chapter —— of this act, or section —— of an ordinance or by-law, or regulation of said city, describing it by its title), which said —— is now in force, as the complainant believes; therefore you are commanded to arrest the body of said A. B., and bring him before me forthwith to answer to the city of Chilton on the complaint aforesaid.

C. D., Police Justice.

Upon the return of the warrant, the justice may proceed summarily with the case, unless it be adjourned by consent, or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize with security to be approved by the court, for his, her or their appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Calumet county. The complaint made as aforesaid shall be the only complaint required

and the plea of not guilty shall put in issue all subject matter not embraced in the action.

Printed copy of ordidance, etc., to be evidence.

SECTION 3. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper or in a pamphlet or book form, purporting to be published by the authority of the common council shall be *prima facie* evidence of its due passage and publication, and shall be received in evidence on the trial of cases cognizable before any court of this state.

Trial of cases by jury.

SECTION 4. In all prosecutions and cases under this chapter and cognizable by the police justice of said city the defendant may demand a jury, after issue joined and before trial. The proper officer whom the police justice may direct shall thereupon make a list of eighteen jurors who may be qualified to serve as jurors in courts of record in Calumet county, and the parties shall then alternately strike therefrom, the defendant commencing, so many names as will leave six names remaining. The court shall thereupon issue a venire commanding the officer to summon those six remaining jurors to appear before him, at such a time as he may direct, to make a jury for the trial of the said action, and the court may compel their attendance by attachment. Either party may challenge any juror as in any case before a justice of the peace, under the laws of this state, and deficiences thereby or by any other cause occasioned, shall be supplied by talesmen to be selected and summoned by the officer. If the defendant shall not demand a jury the city or state may demand a like jury as is above provided; and if no jury be demanded, it shall be deemed a waiver of a jury trial. If either party decline to strike from the list the names which he is entitled to strike, the court shall strike the same for such party. Each juror shall receive for his services in each trial the sum of fifty cents.

Prepayment of fees not required.

SECTION 5. Witnesses and jurors shall attend before the justice court in all the aforesaid cases, without the payment of fees in advance, or a tender thereof, upon the process of the court duly served, and in default thereof, their attendance may be enforced by attachment. In case the jury, after being kept a reasonable time, shall disagree, they shall be discharged without the payment of fees, and thereupon the court may adjourn the case to a day certain, and issue a new venire so aforesaid.

SECTION 6. In all the aforesaid cases, the finding of the court or jury shall be either guilty, or not guilty; if guilty the court shall render judgment thereon, against the defendant for the fine, penalty or forfeiture contained in the ordinance, by-law or resolution for the violation of which the person or persons shall have been adjudged guilty, and for the costs of suit; but if not guilty, the costs shall be taxed against the city. Executions issued upon judgment obtained for violation or non observance of ordinances or by-laws of the city may contain a clause directing the imprisonment of the defendant in the county jail or city lock-up, for such a time as shall have been provided by the ordinance under which the judgment shall be rendered, in case of the non-payment thereof by the defendant, and all fines, penalties and forfeitures, when collected, shall be paid into the city treasury for the use of the city. Such execution may be in the following form: Finding of jury.

STATE OF WISCONSIN—*Calumet County*—City of Chilton—ss. Form of execution.

To the sheriff of the county of Calumet, the marshal of the city of Chilton, and the keeper of the common jail in said county:

WHEREAS, The city of Chilton, on the —— day of ——, 18—, recovered a judgment before the justice court of said city, against —— ——, for the sum of —— dollars, together with —— dollars costs of suit, for the violation of (here insert the number of section and title of the ordinance as set forth in the complaint). These are therefore, in the name of the state of Wisconsin, to command you to levy distress on the goods and chattels of said —— ——, (excepting such as the law exempts), and make sale thereof, according to law in such case made and provided, to the amount of said sum, together with your fees, and twenty-five cents for this writ; and the same return to me in thirty days; and for the want of such goods and chattels whereon to levy, take the body of the said —— ——, and him convey and deliver to the keeper of the common jail in Calumet county, and the said keeper is hereby commanded to receive and keep in custody, in said jail, the said —— ——, for the term of ——, unless said judgment, together with all costs and jail fees are sooner paid, or he be discharged by due course of law.

Given under my hand, at the city of Chilton, this — day of —, A. D. 18—. A. B.,

Police Justice of the city of Chilton.

The form of committment may be substantially the same as that of the execution, leaving out all that relates to levy and sale and return of writs.

Defendant may appeal.

SECTION 7. The defendant may appeal in the same manner as provided in cases of an appeal from judgment in courts of justices of the peace in criminal proceedings of this state, and the city may also appeal from any judgments without giving any bond upon appeal.

Fees to be audited by council

SECTION 8. The fees in police justice court and in justice courts, the jail fees, and officers of commitment in all the aforesaid cases, shall be audited and allowed by the common council, when the same cannot be collected of the defendant before his discharge, and said common council may, by resolution, direct the police justice to discharge from the jail any person confined for a judgment due said city, but such discharge shall not operate as a release of the judgment, unless said common council shall so direct in their resolution; upon filing a certified copy of such resolution, attested by the clerk of the city, the police justice of the city shall order said defendant discharged from custody, and make an entry of such discharge upon his docket; an execution may issue or be renewed by endorsement from time to time, and after the return day thereof, and before or after the commitment of the defendants, until the judgment is satisfied or released, but after the defendant shall have been committed no execution shall be issued against the body of the defendant, nor if previously issued shall authorize the taking of the defendant thereon.

Appeal to be tried by jury.

SECTION 9. In an appeal mentioned above, in section five of this chapter, said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court at the next term thereof, after the day said appeal be so taken, and no notice of trial shall be required to be given to or by either party.

When judgment affirmed

SECTION 10. If the judgment of the police justice be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by law or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties, for such penalty, together with the costs in both courts, and enforce the same by execution, as in actions of tort.

Duties of marshal and deputies.

SECTION 11. It shall be the duty of the marshal and deputy marshals of the city of Chilton, and they are hereby authorized and required to summarily arrest

and take before the police justice of said city any person who shall be found within the corporate limits of said city in a state of intoxication, or who shall be guilty of any boisterous revelry or obscenity, or any breach of the peace, by making any improper noise or disturbance, or indecent exposure of his person, or by firing guns, or fighting or threatening to fight, or in any other manner shall be engaged in violating any ordinance of said city, made for the preservation of the peace and good order thereof; and said police justice shall have power to hear, try and determine all such offenses. And any such person convicted of any offense specified in this act, where no other punishment is specified by law or by any ordinance of said city, shall be punished by fines of not less than three dollars nor more than fifty dollars, or by imprisonment in the county jail or city lock-up not less than three days nor more than fifty days, in the discretion of the police justice; and in all cases the police justice shall impose the payment of the costs of prosecution upon the person so convicted, as a part of the punishment, and in default of payment of any such fine or costs, the police justice shall commit the defendant to such county jail or lock-up for such number of days, not exceeding thirty nor less than five, as he may think proper. But in case any person shall be committed for non-payment of any such fine or costs, he shall be discharged upon payment of the same, together with the costs and expense of his imprisonment, to the sheriff or other officer having charge of such jail or lock-up. Any officer making any arrest under the provisions of this act may, if necessary, commit the person arrested to such jail or lock-up without process, and such person shall be delivered up to such officer by the keeper of such jail or lock-up, on demand and without process; *provided*, that if such officer does not demand the person so committed within twenty-four hours (Sundays excepted) after such committal, the officer having charge of such prison shall discharge the person so arrested, from confinement. All of the general provisions of law concerning the trial of criminal offenses, the fees of officers, and procedings in which upon trial the justice finds he has not final jurisdiction of the case, shall govern trials under this act unless otherwise provided in this act; *provided*, that in all convictions under this act where a punishment for the offense is prescribed in the general statutes of this state, or in any ordinance of said city, the penalty as prescribed by such statute or

ordinances shall be imposed upon the person so convicted. In all cases in which by the provisions of this act the city council have power to pass ordinances or by-laws, they may pass any penalty for the violation thereof not exceeding fifty dollars for any one offense, and may also provide that in default of payment of any judgment rendered for such violation or omission, the defendant may be imprisoned not exceeding forty days in the lock-up of said city.

Fire apparatus exempt from taxation.

SECTION 12. All fire engines, hose carts, hooks and ladders and wagons therefor, and all other appartus and implements used to extinguish fires, and all houses or buildings owned or occupied by said city for such engines, hose, hose carts, hooks and ladders and other apparatus and implements shall be exempt from attachment or execution issued in any action or on any judgment wherein the said city shall be a party.

Power of mayor to grant pardons.

SECTION 13. The mayor shall have power to grant pardons or commutations after convictions for all offenses against the ordinances of the city upon such conditions as he may deem proper. He shall communicate any such action to the council at its next meeting, with reasons therefor.

## CHAPTER X.

### IMPROVEMENT OF STREETS AND SIDEWALKS.

Owners of property to be notified of petition to repair or construct street.

SECTION 1. When three freeholders of said city shall petition the common council for an ordinance, resolution, order or by-law for the repairing, construction or reconstruction of any sidewalk or gutter at the expense, in whole or in part, of the owners of the lots or parcels of land abutting or fronting such sidewalk or gutter, shall, on its being introduced at a meeting of the common council, be laid upon the table for at least seven days, and the owners of the property adjoining the proposed sidewalk or gutter shall be notified within twenty-four hours, and any such ordinance, order, resolution or by-law shall not be passed or adopted sooner than seven days after the introduction thereof, [nor shall] such ordinance, order, resolution or by-law take effect until said owners [of] adjoining lots shall be notified of the passage of said ordinance, by law or resolution.

Power of council to establish grade of streets.

SECTION 2. The common council of the city of Chilton shall have power to establish the grade of the streets of said city, and to change and re-establish such grade as they shall deem expedient; *provided*, that

whenever they shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade, shall have a right of action against the city for the recovery of such damages, but no suit shall be commenced against the city therefor until application has been made to the common council to pay such damages, and said council shall have refused or neglected for three months to pay or settle the same.

Duty of marshal to enforce ordinances.

SECTION 3. It shall be the duty of the city marshal to see that all ordinances of the city relating to obstructions and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, water and water courses in said city are duly observed and kept. The committee on streets, to be appointed by the mayor, shall have a general supervision over all works let by contract or otherwise for the improvement of streets or sidewalks and gutters in said city, unless the common council shall otherwise provide.

Construction and repair of sidewalks, gutters, etc.

SECTION 4. Sidewalks and gutters shall be constructed, reconstructed or repaired upon the proper established grade of any street in said city, of such width, in such manner, of such materials, and in such time as the common council by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk or gutter shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk or gutter as aforesaid, in the manner, of the material, or at the time so directed, the common council may cause the same to be constructed forthwith, at the expense of such owner or owners. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk or gutter shall be constructed, sufficient to pay the cost of constructing the same — the said tax to be collected at the time and in the manner as is provided herein for the collection of other taxes, provided that lands lying outside of the limits of the village of Chilton as it now exists and used exclusively for farm purposes, not platted, shall not be liable for, nor the owner or owners thereof be required to build or maintain sidewalks along or fronting such lands under the provisions of this chapter, unless the common council by a two-thirds vote shall order sidewalks to be built along or fronting such lands.

When street commissioner

SECTION 5. Whenever a sidewalk shall be out of repair and so remain for the space of twenty-four hours,

authorized to make repairs.

which in the opinion of the street commissioner will not cost to exceed the amount of five dollars, in front of any one lot or piece of ground, to repair the same, he shall be authorized, and it is hereby made his duty, to cause the same to be immediately repaired; thereupon, after such work is completed, the common council shall levy a special tax upon said lot or piece or parcel of land, to pay the same in the same manner as special taxes are levied for the construction of sidewalks.

Contracts for repair or construction of streets to be let to lowest bidder.

SECTION 6. The common council of said city shall have power, and may in its discretion, by an affirmative vote, let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, or as they may otherwise order, the construction of any sidewalk or gutter, or the making of any improvement on or along any street or highway in said city limits which shall have been ordered, levy and collect a tax upon each lot or piece of ground in front of which said sidewalk, gutter or improvement shall have been ordered and constructed under such contract or otherwise sufficient to pay the cost of constructing the same, as provided in section four of this chapter.

Costs of surveying, etc., chargeable to city.

SECTION 7. Costs and expenses of surveying streets, alleys, sewers and gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable to and payable by the city.

Work to be approved by street commissioner.

SECTION 8. All work provided for in this chapter shall be done under the supervision of the street commissioner, and shall be approved by him before it shall be accepted by the council.

Highway tax.

SECTION 9. The common council of the city of Chilton shall on or before the first Monday in May in each year, determine and levy the amount of highway tax in said city for the ensuing year, for the purpose of constructing and repairing streets and highways in said city, which amount shall not be more than seven mills on the dollar upon all of the taxable property of said city, as the same shall appear by the last assessment roll of said property.

City clerk to make list of persons and statement of property.

SECTION 10. The city clerk shall, within 20 days after said highway tax shall be so levied, make out and deliver to the city treasurer, a list of all persons liable to pay highway taxes in said city, which list shall also contain a statement of all the taxable personal property, and a description of all lots or parcels of land within said city, with the value of each lot or parcel set opposite to such description, as the same shall

appear on the assessment roll of the previous year; and if such lot or tract was not separately described in such roll, then in such proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a part, and the amount of such tax shall be carried out in a separate column opposite the name of such person or persons, corporation or corporations to whom each item of taxable property upon such list is to be assessed, and such highway tax determined and levied shall be due and payable within thirty days from and after the first public notice given by the city treasurer that said tax list is in his hands for collection.

Clerk to make duplicate list.

SECTION 11. The city clerk shall make a duplicate of such list, both of which shall be signed by the mayor and countersigned by the city clerk, one of which lists shall be filed in the office of the city clerk, and the other shall be delivered to the city treasurer.

Form of warrant.

SECTION 12. The city clerk shall annex to each such tax list a warrant, signed by the mayor and the city clerk, which shall be in substance in the following form:

To A. B., treasurer of the city of Chilton:

You are hereby required to collect from the several persons and corporations named in the annexed tax list, and from the owners of the real estate described therein, the taxes set opposite to such persons, corporations and property within the time limited by this chapter, and to apply the taxes by you so collected, and make returns thereof on or before the third Monday of November next.

Dated —— day of —— 18—.

—— ——, City Clerk.
—— ——, Mayor.

Powers of city treasurer in collecting taxes.

SECTION 13. The city treasurer shall have the same powers and proceed to collect the said taxes, in the same manner as in the collection of general taxes, and such taxes so collected shall be passed to the highway fund and kept and paid out as such; and in case the said treasurer shall be unable to collect any portion of said tax, he shall on or before the third Monday in November of each year, make out and deliver to the city clerk of said city, a verified copy of the public notice given by him, together with a list of all such unpaid taxes, which list shall contain the names of all persons, corporation or corporations, and the description of all real estate or personal property included in

said tax roll, and the amount of such tax against each said descriptions or items so uncollected, which said list shall be sworn to by said city treasurer before some officer authorized to administer oaths.

Duty of clerk in making tax roll.

SECTION 14. Upon the receipt of such list, the city clerk shall at the time of making out the general annual tax roll of said city for that year, place in a separate column on said roll, the amount of said delinquent tax against the proper description of real estate and personal property, which shall be collected or returned in the same manner as general taxes are collected or returned by law.

## CHAPTER XI.

### MISCELLANEOUS PROVISIONS.

Settlement between city and town of Chilton

SECTION 1. It is hereby made the duty of the common council of said city, and the board of supervisors of said town of Chilton, to meet together at some convenient place, on or before the first Monday of May, 1877, upon notice given by either body, and if possible agree upon some just, fair and equitable settlement or adjustment and division of the property, moneys, credits, duties, liabilities, obligations and every other matter or thing made necessary by the organization of said city out of the territorial limits of the town of Chilton; and, among other things, make a fair and just proportion of the bonded indebtedness of said town, between the town and said city, fixing forever the amount of said indebtedness to be paid by said city, and the amount by said town, and such settlement and adjustment shall be made upon the basis of, and in proportion to the assessment roll of said town of Chilton for the year 1876.

In case settlement cannot be made, commissioners to be appointed.

SECTION 2. If the common council of said city and board of supervisors of said town shall be unable to agree upon an honorable, just and fair settlement or adjustment and division, as provided in the preceding section, then it is hereby made the duty of the circuit judge of the circuit court in and for the county of Calumet, upon application made to him by either of said bodies, five days' notice having been previously given to the other body, to appoint three commissioners, one to be a resident of said city, one of said town, and one to reside outside of both city and town, who shall have power, and it is made their duty, as soon as may be, after their appointment and filing with the clerk of the

circuit court, in and for said county, of their oaths to faithfully and fairly to adjust and settle all matters of dispute between said city and town, as hereinbefore mentioned, to examine into and fairly, equitably and justly make a division of all property, moneys, credits and property owned by said city or any part thereof in common with said town; make a full and complete settlement or adjustment of all matters between said city and town, arising or growing out of the formation of said city, out of the territorial limits of said town, and especially of the indebtedness of said town, any portion of which said city ought to pay. And in order to make such a settlement, adjustment and division as herein contemplated, the said commissioners shall make use of and shall use as a basis of such settlement and adjustment, and shall be therein governed by the assessment roll of said town of Chilton for the year 1876. The said commissioners shall, as soon as possible, make their award in writing, and file the same in the clerk of the court's office of said county, which shall be final and conclusive between the parties.

**Amounts found to be due to town or city to be paid thereto.**

SECTION 3. Any and all amounts found as aforesaid to be owing by said city to any portion of the territory outside of the city, which comprises a part of the town of Chilton, from which said city was formed, shall be paid by said city to the proper officers authorized to receive and receipt for the same. But if it shall be found upon such settlement, that there is any amount due any portion of said city from any portion of territory outside of said city limits, which was an organization from which said city was formed, that portion of said territory so owing said part of said city, shall pay the amount thereof to the city treasurer. And in case any portion of the territory so indebted shall fail, neglect or refuse to pay the amount thereof so found to be due, the city treasurer of said city shall proceed to collect the same in the manner as is now provided by the laws of this state for the collection of debts against towns, cities and villages.

**Connection between town and city dissolved.**

SECTION 4. The connection between the town of Chilton and that part of said town included within the city limits, for all town purposes, is dissolved. The duties now and hereafter imposed upon supervisors and other town officers, so far as they relate to the city of Chilton, shall be performed by the aldermen, mayor and other officers of said city, except as herein otherwise provided.

Use of county jail granted to city.

SECTION 5. The use of the jail of Calumet county, until otherwise provided, shall be granted to said city, by and with the consent of the chairman of the board of supervisors of Calumet county, for the confinement of persons or offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery the said sheriff shall be responsible as in other cases; but said county shall not incur or pay any liability or expense on account of any person committed to said jail for a violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

How money to be appropriated.

SECTION 6. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

New survey of streets, etc.

SECTION 7. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks in said city, and may cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk, and recorded in the office of the register of deeds of the county of Calumet.

Survey to be evidence.

SECTION 8. The surveys and landmarks so made and established shall be prima facie evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in this state.

Council may establish grade of streets, etc.

SECTION 9. The common council may, at such time as they may deem proper, establish the grades of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Calumet county, and one shall be filed in the office of the city clerk; and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade; *provided, however*, that nothing in this section contained shall be so construed as to prevent the common council of the said city from ordering or causing to be done the grading of any street within said city to a temporary grade, to be established by the common council.

SECTION 10. All sums of money necessary for grading streets and building sidewalks, not chargeable to individuals, shall be collected from the property assessed, by general levy. How expense of grading paid.

SECTION 11. The city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same, while owned, occupied or held by said city, shall be exempt from taxation. City may hold real estate.

SECTION 12. Every individual or company of individuals, or body corporate, owning a lot or tract of land within the corporate limits of the city of Chilton, who may desire to subdivide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets. How new plats to be made.

SECTION 13. When the city of Chilton deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Chilton, and the person or persons authorized to execute such deed or lease need not be named in the body thereof. Deeds, etc., to be in name of city.

SECTION 14. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed under and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to said city. The said deed or lease shall be signed by the mayor of the city, and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged, as is provided for the execution of deeds and conveyances. Mayor may execute deeds, etc.

SECTION 15. If any election by the people for common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had at any subsequent day by order of the common council, and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which said action may be done and performed. When election not held on day prescribed.

SECTION 16. The mayor, with the approval of the aldermen, may appoint as many police officers and Appointment of police and watchmen.

night watchmen as he may deem necessary to the welfare of the city, whose appointment shall be either written or printed, and countersigned by the city clerk; and such police officers and watchmen shall have all the powers of a constable within the city of Chilton

Persons ineligible to two offices.

SECTION 17. No voter shall be eligible to or hold more than one office under this charter at the same time.

When office deemed vacant.

SECTION 18. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

Act not repealed by general laws.

SECTION 19. No general law of this state contravening the provisions of this act shall be considered as repealing, annuling or modifying the same, unless such purposes be expressly set forth in such law as an amendment to this chapter or this act.

Poll tax.

SECTION 20. Every male inhabitant in the city of Chilton over twenty-one years of age and under fifty, except active members of the fire department, and those otherwise exempt by the general laws of this state, shall pay into the city treasury annually, the sum of one dollar and fifty cents each, as poll tax. It shall be the duty of the assessor of the city of Chilton, during the month of April of each year, to make out duplicate lists of all persons liable to said tax in the city of Chilton and said assessor shall, on the last Monday of April of each year, deliver one of said lists to the city clerk, and one to the treasurer of said city of Chilton. The said treasurer shall thereupon immediately proceed to collect the same, and all persons liable to pay such tax, who shall not have paid the same after demand, either personal or by written notice left at their usual place of abode, on or before the first day of July of each year, shall be liable to and shall pay a penalty of two dollars, in addition to said poll tax together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Chilton. The process in each case shall be by warrant, as provided for in chapter eleven of this act, entitled "fines and penalties," and in case judgment shall be rendered against the defendants in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail of Calumet county or in the

lock-up of the city of Chilton, ten days. The moneys collected as herein provided for, shall be kept as a distinct fund, and shall be expended for the benefit and improvement of the streets of the city of Chilton. The mayor, city clerk and treasurer, shall constitute a board to determine the liability of persons to pay such tax, and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said lists shall be delivered to the treasurer as aforesaid. The city treasurer shall receive the same fees for collecting said tax as he does for collecting taxes assessed upon real and personal property; *provided*, that if any person shall desire to, he shall be permitted to perform one day's work upon the streets of the city in which he resides, and the certificate of the street commissioner, that such person has performed one full day's labor on said streets shall be received by the city treasurer in full discharge of such tax.

Jurisdiction of justices.

SECTION 21. The jurisdiction of the justices of the peace of the city of Chilton shall be coextensive with the county of Calumet and the said justices of the peace shall have exclusive jurisdiction to try all criminal cases and conduct all examinations within said city in which the said city is a party under the laws of which justices of the peace have jurisdiction and according to this act, except in those cases where the police justice has exclusive jurisdiction. And the justices of the peace of said city shall have and possess all the rights, powers and privileges of justices of the peace, and all the laws of this state concerning justices' courts shall apply to the justice's courts of the city of Chilton, except so far as the said laws conflict with the provisions of this act.

Actions may be brought in name of city.

SECTION 22. In cases where an action might be brought by the city of Chilton against any person, company or corporation, such action may be commenced and prosecuted in the name of the city by any elector of said city; *provided*, that when the complaint is made by any person other than an officer of said city the justice may require security for costs as in civil cases before justices of the peace. In case that the complainant be not an officer of said city, and if the defendant be acquitted, and the police justice or justice of the peace shall certify in his docket that the complaint was willful and malicious, and without probable cause then judgment for all costs in the case shall be entered against such complainant, which judgment shall be collected in the same manner as a judgment against

the defendant would have been collected had he been found guilty under said complaint, and the same proceedings to enforce such judgment shall be had as it would have been legal to have had, had defendant have been found guilty.

Definition of act.

SECTION 23. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

When city clerk is absent.

SECTION 24. Whenever the city clerk may be absent or incapacitated from performing the duties of his office the common council may appoint some suitable person to perform for the time being the duties of the office, and the acts of the person so appointed shall be of full effect and legality.

Publications and fees therefor.

SECTION 25. All publications required by this act to be published in any newspaper, shall be so published under the laws of the state, and the compensation to be paid therefor shall in all cases (unless otherwise contracted by the common council), be at the rates established and prescribed by the laws of said state, which rate shall not exceed sixty cents for every folio of such published matter for its first insertion, and thirty-five cents per folio for each succeeding insertion in said newspaper.

Power of council to change ward boundaries.

SECTION 26. The common council shall have the right and power, at any time after said city shall have been organized under this act, by ordinance to change the boundaries of the said several wards of the city, and to make and establish new wards therein whenever the common council may deem best: *provided*, that whenever the common council proceed to alter or change the boundaries of said wards, or to establish new wards in said city, due regard shall be had to the population and the valuation of property in each ward, so that all the wards in said city, when so changed or established, shall be as near equal in their respective populations and assessments as practicable.

Judgments against city.

SECTION 27. When judgment shall be recoverey against the city or any ward thereof, or against and city officer in any action prosecuted by or against him in his name of office, where the same shall be paid by the city, no execution shall be awarded or issued upon such judgment, except as herein provided, but the same, unless reversed, shall be levied and collected as other city charges, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher; but if paymant thereon be not made within sixty days

after the city treasurer is required to make his return of city taxes, next after rendition of such judgment, execution may be issued thereon, upon the order of the court authorized to issue such execution on a special application therefor; nor shall any execution be levied upon any property of any individual, nor shall such property be in any manner seized, taken, held or sold for any debt or liability of said city.

Service of process.

SECTION 28. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such action or proceedings as the ordinances or resolutions of said council may provide.

Powers of mayor and council.

SECTION 29. The mayor and common council of the city of Chilton shall possess all the powers and shall exercise all the duties vested in town boards of supervisors of this state for all purposes whatever, except as otherwise provided by this act.

Penalty for official misconduct.

SECTION 30. Every member of the common council of the city of Chilton who shall directly or indirectly vote to himself, or knowingly to any other person, any sum of money for any purpose whatever, in violation of the city charter or any amendment thereof, or shall ask or receive any compensation for doing any official act, except as an inspector of elections, member of the board of registry, and as a members of the board of equalization; any member of the common council or any other city officer, who shall be directly or indirectly interested in any contract made with or in behalf of said city, and any member of said council or other city officer who shall directly or indirectly purchase or be interested in the purchase of any city order of city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by indictment or complaint, before the police justice or any justice of the peace having jurisdiction, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail not more than thirty days nor less than ten days, or both, at the discretion of the court, and shall forfeit his said office, and any contract made in violation of the provisions of this section shall be void.

How licenses to be issued.

SECTION 31. Every license issued by the authority of this act or the ordinances of the city, shall be signed

by the city clerk and sealed with the corporate seal of the city, but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor. Nor shall any license be issued for dealing in, selling or vending spirituous or malt liquors, until the same shall have been authorized by the common council, and the applicant shall have filed a receipt as aforesaid, together with a bond as required by the laws of this state, which bond shall be approved either by the mayor or common council; every such license shall contain a clause prohibiting the selling, vending, or giving away of any spirituous, vinous or malt liquors, on general or special election days.

Repealed.

SECTION 32. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 33. This act shall take effect and be in force from and after its passage.

Approved March 1, 1877.

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[*Published March 7*, 1877.]

## CHAPTER 90.

AN ACT relating to witness fees in courts of record, and amendatory of chapter 146 of general laws of 1869.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Chapter 146 of the general laws of 1869, is hereby amended so as to read as follows: That part of section 15, of chapter 133 of the revised statutes of the state of Wisconsin, relating to the fees of witnesses in courts of record, is hereby amended so as to read as follows: For attending in any one action or proceeding in a court of record, one dollar and fifty cents for each day, and seventy-five cents for each half day.

Fees of witnesses.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1877.

[*Published March* 8, 1877.]

## CHAPTER 91.

AN ACT to amend sections 6 and 8 of chapter 93 of the general laws of 1870, entitled "An act for the improvement and raising of stock."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 6 of chapter 93 of the general laws of 1870, be and the same is hereby amended so as to read as follows: If the owner or person entitled to the possession of such animal shall appear at any time within ninety days after the notice is filed with the town clerk as aforesaid, and make out his right thereto, he shall have such animal restored to him upon paying all lawful charges which have been incurred in relation to the same. **Amended.** **When amount to be restored to owner.**

SECTION 2. Section 8 of chapter 93 of the general laws of 1870, be and the same is hereby amended so as to read as follows: If the owner or person entitled to the possession of any animal shall not appear to make out his title thereto, and pay the charges thereon, within ninety days from the time the notice is filed with the town clerk as aforesaid, and if said animal shall not have been appraised at a greater value than ten dollars, the finder shall have a perfect title to the same; but if the appraisement value of such animal shall have been adjudged to be more than ten dollars, as provided in the fourth section of this chapter, such animal shall be sold at the request of the finder, by any constable of the town, at public auction, upon first giving public notice thereof in writing, by posting up the same in three of the most public places in such town, at least ten days before such sale, and the finder may bid therefor at such sale, and after deducting all lawful charges of the finder as aforesaid, and the fees of the constable, which shall be the same as upon a sale on any execution, one-half of the remaining proceeds of such sale shall be deposited in the treasury of the town, to be disposed of in such manner as the town may direct, and the other half shall belong to the finder. **When finder to have possession of animal.** **When animal to be sold.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1877.

[*Published March* 6, 1877.]

## CHAPTER 92.

AN ACT relating to apportioning the bonded indebtedness of the town of Jefferson, Jefferson county, and amendatory of section 2 of chapter 12, laws of 1874.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 2 of chapter 12 of the laws of 1874, entitled "An act to legalize certain acts of the board of supervisors of Jefferson county, and detaching certain territory from the town of Jefferson, and apportioning the bonded indebtedness of said town," is hereby amended so as to read as follows: Section 2. Whenever the electors of the town of Jefferson, in Jefferson county, shall have voted to raise any money by taxing the taxable property of said town, to pay any indebtedness that has become due and payable by said town upon the bonded indebtedness named in section 1 of chapter 12 of the laws of 1874, the town clerk of the town of Jefferson shall, between the first and twentieth days of October of the same year in which said vote has been had, apply in writing to the town clerk of the town of Koshkonong, for a statement of the total valuation of the taxable property assessed within the area of the six sections of land described in section 1 of chapter 12 of the laws of 1874, as the same appears on the assessment roll of the said town of Koshkonong, for the year in which said application is made; thereupon it shall be the duty of the town clerk of the town of Koshkonong, within five days after such application is made, to make and deliver to the town clerk of the town of Jefferson, a certified statement in writing of the total amount of taxable property assessed in the area of the six sections aforesaid, as the same appears upon the corrected assessment roll of said town of Koshkonong, and within five days thereafter, the town clerk of the town of Jefferson shall apportion the proportion of such money so voted to be raised, chargeable to the taxable property within the area of said six sections, pursuant to the provisions of section 1 of chapter 12 of the laws of 1874, and make a certificate in writing showing the whole amount so voted to be raised; the total assessed valuation of all the taxable property in the town of Jefferson, as the same appears

Duty of town clerk of town of Jefferson.

Duty of town clerk of Koshkonong.

on the corrected assessment roll for said year, and the total assessed valuation of all the taxable property within the area of said six sections, as the same appears by said certified statement, and the proportion of the total sum voted to be raised, apportioned to the six sections aforesaid, and deliver such certificate so made by the town clerk of the town of Jefferson, to the town clerk of the town of Koshkonong; and thereupon it shall be the duty of the town clerk of the town of Koshkonong, at the time of making out the tax roll for state, county and town taxes for the year in which said certificate was so made and delivered to him, to calculate and carry out the proportion of the money so voted to be raised, and apportion to the taxable property within the area of said six sections, together with five per cent. for expenses of collection, in an additional column in the tax roll, in the manner prescribed by law for calculating and carrying out taxes in the tax roll.

**Further duties of town clerks.**

SECTION 2. In all cases in which the town of Jefferson has heretofore or may hereafter vote to raise money for the purpose set forth in section 1 of chapter 12 of the laws of 1874, and the proportion of such money chargeable to the taxable property in the area of the said six sections has not been or shall not be collected for any cause, then, and in such case, it shall be the duty of the town clerk of the town of Jefferson, to apply to the town clerk of the town of Koshkonong for the total value of the taxable property within the area of said six sections, as the same appears on the corrected assessment roll for the year in which such proportion has not been collected, as prescribed in section 2 of this act, and it shall thereupon be the duty of the town clerk of the town of Koshkonong to make and deliver to the town clerk of the town of Jefferson, within five days after the delivery of said application to him, a certified statement of the total amount of the taxable property within the area of said six sections for the year required in said application, as prescribed by section 2 of this act, and the town clerk of the town of Jefferson shall thereupon apportion the amount of said money chargeable to the taxable property within the area of said six sections, and deliver the same to the town clerk of the town of Koshkonong within the time and in the manner prescribed by section 2 of this act, and the town clerk of the town of Koshkonong shall thereupon calculate and carry out in the tax roll for the same year in which said certifi-

cate is so made, the amount apportioned to be assessed on the taxable property within the area of said six sections, in the manner prescribed in section 2 of this act.

Duty of town treasurer.

SECTION 3. It shall be the duty of the town treasurer of the town of Koshkonong to collect the tax assessed in pursuance of this act, at the time of collecting the other taxes in the tax roll of said town, on the taxable property in the area of said six sections, and pay the same over to the town treasurer of the town of Jefferson, within the time prescribed by law for paying county taxes.

Penalty for neglect of duty.

SECTION 4. If either of the town clerks or the town treasurers mentioned in this act shall neglect or refuse to perform any duty prescribed in this act for such clerk or treasurer to perform, he shall forfeit to the use of the town of Jefferson the sum of five hundred dollars, to be collected in an action by the town of Jefferson against the officer so neglecting or refusing to perform the duties required of him by this act and the surety of such officer.

Repealed.

SECTION 5. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 1, 1877.

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[*Published March* 6, 1877.]

## CHAPTER 93.

AN ACT relating to public printing, and amendatory of section 28, of chapter 243, of the general laws of 1874.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section twenty-eight, of chapter two hundred and forty-three (243), of the general laws of 1874, is hereby amended by adding the following after the word newspapers, in the first line of said section: "having a *bona fide* circulation and subscription list of not less than two hundred (200) names, and which shall have been regularly published for at least three months prior to the opening of each annual session of the legislature;" and by adding the following at the end of said section: "*providing, however*, that the provis-

ions of this section relating to circulation and length of publication, shall not apply in cases where but one paper is published and printed in any county," so that said section twenty-eight, when amended shall read as follows: "All publishers of weekly newspapers having a *bona fide* circulation and subscription list of not less than two hundred (200) names, and which shall have been regularly published for at least three months prior to the opening of each annual session of the legislature, who shall publish in their respective newspapers all of the public acts of general interest passed at each session of the legislature which shall be designated by the secretary of state in the official state paper as "copy" laws, shall be allowed sixty dollars for such publication upon filing satisfactory evidence by affidavit with the secretary of state, that the same have been published as provided in this section, for which amount the secretary of state shall draw a warrant upon the general fund of the state treasury in favor of each of such publishers; *provided, however*, that the provisions of this section relating to circulation and length of publication, shall not apply in cases where but one paper is published and printed in any county.

**Publication of laws of general interest.**

**Proviso.**

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 1, 1877.

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[*Published March* 6, 1877.]

## CHAPTER 94.

**AN ACT relating to the registering of the names of persons who have heretofore or may hereafter declare their intention to become citizens, or who have been or may hereafter be admitted to become citizens of the United States of America, and amendatory of chapter 60, laws of 1866.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter 60 of the laws of 1866 is hereby amended by adding thereto as follows: Section 4. The clerk of the Supreme Court of the state of Wisconsin is hereby authorized and required to make out an alphabetical register, from the files of his office, in a suitable book to be provided for that purpose, of the names of all persons who have heretofore, or who may here-

**Amended.**

**Duty of clerk of supreme court.**

after declare their intentions to become citizens, or who have been or may hereafter be admitted citizens of the United States of America. Such clerk shall be entitled to receive from the state treasury, on the warrant of the secretary of state, as compensation for making such register, the same fees as are allowed the clerks of the circuit courts, by the second section of the act to which this is amendatory, and there is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, a sufficient sum to pay the same.

Compensation of same.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1877.

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[*Published March* 6, 1877.]

## CHAPTER 95.

AN ACT relating to liens for labor upon logs and timber in Chippewa, Taylor and Lincoln counties, and amendatory of section 1 of chapter 372 of the general laws of 1876, entitled "An act to amend sections one and twelve of chapter one hundred and eighty-six of the general laws of 1861," and also to repeal chapter one hundred and sixty-one of the laws of 1874, entitled "An act to amend chapter 186 of the general laws of 1861."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one of chapter three hundred and seventy-two of the general laws of 1876, is hereby amended so as to read as follows; Section 1. Any person, company or corporation that may do or perform any labor or services, in cutting, hauling, driving, running, rafting, booming, cribbing or towing, or for any other labor or services performed upon any logs, lumber or timber, in Chippewa, Taylor and Lincoln counties, and for cooking for laborers thereon, and for hauling supplies for men or teams engaged in such business, and for labor or services furnished or done for such business at the request of the owner or contractor upon any logs or timber in said counties, in this state, shall have a lien thereon for the amount due for such labor, cooking, hauling, and services, and the same shall take precedence of all other claims thereon.

Persons performing labor to have lien on logs, timber, etc.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 1, 1877.

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[*Published March* 6, 1877.]

## CHAPTER 96.

AN ACT to amend section 1 of chapter 253 of the laws of 1876, entitled "An act to provide for the support of the poor of Milwaukee county."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 1 of chapter 253 of the general laws of 1876, entitled "An act to provide for the support of the poor of Milwaukee county," is hereby amended so as to read as follows: Section 1. The county board of supervisors of Milwaukee county shall, at their annual meeting in November, 1877, and annually thereafter, at the annual meeting in November, elect three superintendents of the poor for said county of Milwaukee, one of whom shall be stationed at the poor office in the city of Milwaukee, one at the poor house, and the other at the hospital, who may be a physician, and who may be required to reside at said hospital, and who shall render or provide all necessary medical aid and attendance to the inmates of said hospital and poor house on the county farm, in the town of Wauwatosa, in said county, each of said superintendents to be elected for and during the term of one year from the first Monday in January next succeeding the date of his election, unless sooner removed as herein provided.

Elections of superintendents of the poor and duties of same.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1877.

[*Published March* 6, 1877.]

## CHAPTER 97.

AN ACT to amend section 1 of chapter 92 of the laws of 1876, entitled "An act for the preservation of duck and other wild fowl."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one of chapter 92 of the general laws of 1876, is hereby amended so as to read as follows: It shall not be lawful for any person at any time, or in any place upon any of the waters of Lake Koshkonong, or Rock river, in the counties of Rock, Dane and Jefferson, in this state, to shoot at, catch, kill, wound, destroy, or to pursue any duck or other wild fowl, while bedded in flocks on their feeding or roosting grounds, by the aid, means or use of any float, punt boat, sneak boat, or similar device or structure, however known or called, or to shoot at or pursue by any aid or means whatsoever, any such duck or other wild fowl, between the hours of eight o'clock in the afternoon and three o'clock in the forenoon of the following day; nor shall it be lawful for any person to build, or to use, for the purpose of hunting or shooting duck or other wild fowl, upon any of the lakes, rivers, streams or marshes in this state, any sunken or floating boxes or batteries, or any other similar device or structure, however known or called, or to sail for any wild fowl of any kind in, or shoot at them from any vessel propelled by steam or sails, or from any boat or other structure attached to the same.

When unlawful to kill wild fowl.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1877.

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[*Published March* 6, 1877.]

## CHAPTER 98.

AN ACT regulating the salary of the county judge of Milwaukee county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Salary of county judge.

SECTION 1. The county judge of Milwaukee county shall receive a salary of five thousand dollars per an-

num, which shall be in full for all services rendered by him in his official capacity, which shall be paid quarterly out of the county treasury.

SECTION 2. Said county judge is hereby prohibited from taking or receiving, directly or indirectly, any fees whatever for his official services in administration of estates of deceased persons, and appointment of guardians for minor children and insane persons; *provided*, that the judge of the county court of Milwaukee county shall be allowed to charge for and receive at the rates now allowed by law fees for certified copies of any records or papers in his office. Unlawful for judge to take fees. Proviso.

SECTION 3. Said county judge is hereby authorized to employ such clerks and assistants either permanently or temporarily as may be necessary for the prompt, efficient and correct recording of the proceedings in his said court, and the sum actually and necessarily expended for such clerk hire shall be paid quarterly out of the county treasury, upon the certificate of the judge of said court; *provided*, that the entire sum for the clerk hire herein provided shall not exceed the sum of one thousand eight hundred dollars in any one year. No clerk in such court shall be employed as attorney or counsel in any matter pending in said court. Authority to employ clerks.

SECTION 4. The provisions of section 4, of chapter 121, of the general laws of 1868, shall apply to Milwaukee county. Law applicable to Milwaukee county.

SECTION 5. All acts and parts of acts, conflicting with the provisions of this act, are hereby repealed. Repealed.

SECTION 6. This act shall take effect and be in force from and after the first day of January, A. D. 1878.

Approved February 28, 1877.

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[*Published March* 6, 1877.]

## CHAPTER 99.

AN ACT to authorize the town of Necedah, in the county of Juneau, to appropriate a certain sum of money in aid of the construction of the Necedah and Camp Douglas railroad.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The board of supervisors of the town of Necedah, in the county of Juneau, Wisconsin, are Authority to subscribe for stock of Neces-

dah and Camp Douglas Railroad.

hereby authorized to subscribe to the capital stock of the Necedah and Camp Douglas railroad company to the amount of seven thousand dollars, and to pay for the same out of any money in the town treasury not otherwise appropriated; *provided*, that the money paid on said subscription shall be applied exclusively in building a railroad from Necedah to New Lisbon, in the county of Juneau; *provided*, the question of furnishing such aid shall be first submitted to a vote of the electors of said town, as now provided by law in such cases, and decided in the affirmative by a majority of the votes on that subject; *and provided*, such subscription, together with all other bonded indebtedness of said town, shall not exceed five per cent of the assessed valuation of said town.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1877.

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[*Published March 6, 1877.*]

## CHAPTER 100.

AN ACT to authorize the commissioners of school and university lands to loan a portion of the trust funds of the state to school district No. 7, town of Baraboo, county of Sauk.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Commissioners of S. and U. lands authorized to loan funds to town of Baraboo.

SECTION 1. The commissioners of school and university lands are hereby authorized to loan a portion of the trust funds of the state, not to exceed eight thousand dollars, to school district number seven, town of Baraboo, county of Sauk, in this state; and the said school district is hereby authorized to borrow a sum not exceeding the amount above named, of the said commissioners, and to issue to said commissioners certificates of the indebtedness so contracted. Said indebtedness shall bear interest at the rate of seven per cent. per annum, and said interest shall be paid annually, and the principal sum so loaned shall be paid as follows: two thousand dollars on the first day of March, A. D 1886; two thousand dollars on the first day of March, A. D. 1887; two thousand dollars on the first day of March, A. D. 1888, and two thousand dollars on the first day of March, A. D. 1889.

SECTION 2. The secretary of state shall, each year, until the whole loan be repaid, furnish to the county clerk of said county the amount which will be due from such school district, at the same time that he furnishes to that officer a statement of the state tax. It shall be the duty of the county clerk, on receiving such statement, to include the amount due from such district in his apportionment of the state taxes to the town, but it shall be carried out in a separate column, and the district from which it is due shall be specified. The town clerk shall charge such amount on his tax roll to the district to which it belongs, and the tax shall be collected by the town treasurer, and paid with the state tax to the county treasurer, who shall pay it to the state treasurer with the state taxes. Duty of secretary of state.

SECTION 3. And it is further provided that the said school district No. 7, town of Baraboo, and county of Sauk, shall never, during the period for which said loan shall remain unpaid, become indebted or contract debts for a greater amount, including debts heretofore contracted, as well as that herein referred to, than five per cent. on the value of the taxable property in said school district, to be ascertained by the last assessment for state and county taxes previous to increasing the indebtedness authorized by this act. Before contracting any debt, and before any of said funds shall be delivered to said school district in exchange for said certificates of indebtedness, the said school district No. 7, town of Baraboo, Sauk county, shall file with the secretary of state an acceptance of the provisions or this act, and of the terms and limitations herein provided for, and thereupon the sum to be loaned shall be payable upon the order of the said district, in certificates of indebtedness now held by said commissioners of school and university lands. Limit of town indebtedness.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 1, 1877.

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[*Published March* 6, 1877.]

## CHAPTER 101.

AN ACT to authorize the city of Appleton to issue corporate bonds for bridge purposes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The mayor and common council of the Authority to issue bonds.

city of Appleton are hereby authorized in their discretion to issue the corporate bonds of said city, to an amount not exceeding fifteen thousand dollars, to be applied to the rebuilding of the bridge across Fox river, from some point on Fox river, in the Second ward, at or near the foot of Pearl or Appleton streets, to be determined by the common council, to Lake street, in the Fourth ward; *provided*, that the aggregate amount of said bonds, together with all other indebtedness of said city shall not exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the issue of said bonds.

**Denomination of bonds.**

SECTION 2. Said bonds shall be issued in denominations of not less than one hundred dollars, nor more than one thousand dollars each, with interest coupons attached; one-fifteenth of the principal sum so issued shall be payable on the first day of March in each year; and the annual interest upon the whole amount due shall be due and payable on said day in each year, at the rate of seven per cent. per annum.

**Payment of principal and interest.**

SECTION 3. The principal and interest upon said bonds shall be due and payable at the office of the Union Trust Company, in the city of New York, or at such banking houses in the cities of Chicago, Milwaukee or Appleton, as shall be designated by the common council.

**Restrictions and provisions applicable.**

SECTION 4. All the restrictions and provisions applid [applicable] to the issuance of other corporate bonds of the city of Appleton, except bonds heretofore issued to aid in the construction of railroads, and to the assessment, levy and collection of both the principal and ininterest thereof, upon all the taxable real and personal property of said city, are hereby made applicable to the bonds herein authorized.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1877.

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[*Published March* 8, 1877.]

## CHAPTER 102.

AN ACT to authorize the construction of a viaduct on Reservoir avenue, in the Sixth ward of the city of Milwaukee.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Authority to construct reservoir.**

SECTION 1. The common council of the city of Mil-

waukee, with the concurrence of all the aldermen of the Sixth ward of said city, is hereby authorized to cause to be constructed a viaduct on Reservoir avenue, between Island avenue and Buffum street, in the Sixth ward of the said city of Milwaukee, in such manner and of such material and of such dimensions as said common council may direct.

Duty of board of public works

SECTION 2. Within one month after the adoption of the resolution by the common council, ordering the construction of such viaduct, the board of public works of said city shall view the premises for the purpose of ascertaining and determining what lands or premises will be benefited by the construction of such viaduct, and what lands or premises, if any, will be damaged thereby, and notice of such assessment shall be given, and such assessment shall be reported to the common council and action thereon had, in like manner as is provided by the charter of said city for assessments on opening of streets, and any person owning or having any interest in any property affected by such assessment shall have the same remedy by appeal, and such appeal shall be taken, tried and determined, and costs awarded and the excess or difference paid, in like manner as in cases of appeals provided for the condemnation of property for public use in said city. The benefits assessed and reported by the board of public works, from the confirmation of such report by the common council, shall be and remain a lien upon the premises so determined by said board to be benefitted by the construction of such viaduct, and shall be collected in the same manner as benefits assessed for the taking and appropriation of lands for public use, and all damages, if any, not otherwise provided for, and the excess of the cost of the construction of said viaduct over the benefits assessed, shall be chargeable to and paid out of the ward fund of the sixth ward of said city.

Power of common council to advance expense of construction.

SECTION 3. After the completion and performance of the work authorized by this act, the common council shall have the power, with the concurrence of the aldermen of the said Sixth ward, to advance by appropriation from the ward fund of the said Sixth ward, the amount required to pay the cost of the construction of such viaduct, and in case such advance shall have been made, the special tax collected from the property benefited as aforesaid, shall be credited to said ward fund to reimburse said fund the amount so advanced.

Provisions of city charter to apply to work authorized.

SECTION 4. All provisions of the charter of said city, and the several acts amendatory thereof, in relation to

public improvements in said city, not inconsistent with the provisions of this act, shall apply to the ordering and the doing of the work herein authorized.

Common council authorized to levy and collect tax.

SECTION 5. The common council of said city is hereby authorized to levy, assess and collect in the year 1877, at the same time and in the same manner as other city taxes are levied, assessed and collected for said year, and in addition to the amount authorized by law to be raised by taxation for ward purposes, in the Sixth ward of said city, a tax of not exceeding one and one-half mills on the dollar, upon all taxable property, real and personal, liable to taxation in said ward for said year. Said special tax shall be used, applied and appropriated for the purpose of paying the portion, if any, chargeable to the Sixth ward fund, of the work authorized by this act; any balance remaining, to be used for other purposes properly chargeable to said ward fund.

How tax to be applied.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1877.

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[*Published March* 8, 1877.]

## CHAPTER 103.

AN ACT relating to the license fund received by the city of Chippewa Falls.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Duty of city treasurer.

SECTION 1. It shall be the duty of the treasurer of the city of Chippewa Falls, in the state of Wisconsin, to retain in his possession one-third of all the money recived for license issued by the authority of said city, for the regulation of groceries, taverns, victualing houses, and all money received for licenses for vending or dealing in spirituous, vinous or fermented liquors, until such portion of the money so received shall have been disposed of as hereinafter provided.

Duty of common council.

SECTION 2. It shall be the duty of the common council of the city of Chippewa Falls to appropriate the money retained, according to the provisions of the first section of this act, to any library association which shall be formed in said city under the general laws of this state, under such restrictions as the common council shall prescribe from time to time.

SECTION 3. This act shall take effect and be in force from and after the passage and publication thereof.

Approved March 1, 1877.

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[*Published March* 10, 1877.]

## CHAPTER 104.

**AN ACT to establish and maintain a ferry across lake Pepin and Mississippi river from Pepin, in the county of Pepin.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Authority to maintain ferry.**

SECTION 1. P. N. Tuttle and S. L. Serene, their heirs, administrators, executors and assigns, shall have the exclusive right and privilege for the term of ten years, of keeping and maintaining a ferry across lake Pepin and the Mississippi river from the village of Pepin, in Pepin county, or within two miles from said village down said lake and river.

**To keep boats and make regular trips.**

SECTION 2. The said P. N. Tuttle and S. L. Serene, their associates or assigns, shall, on or before the first day of June, A. D. 1878, place and maintain at the aforesaid place, such good and sufficient boat or boats as may be necessary to carry across said lake and river all teams, horses, cattle, or other property, and for the accommodation of foot passengers, and shall make at least two trips each day during navigation, unless prevented by storms or winds.

**May land boats on streets and highways.**

SECTION 3. The said P. N. Tuttle and S. L. Serene may land their boats, passengers or property on any street or public highway which now does or may hereafter terminate within the points above specified, or on the lands of any person or persons owning the same, they having first procured permission of the owners to do so.

**Incorporators to file bond.**

SECTION 4. The said P. N. Tuttle and S. L. Serene, their associates or assigns, shall, within six months from the passage of this act, file or cause to be filed with the town clerk of the town of Pepin, in the county of Pepin, a bond to the board of supervisors of said town, with one or more sufficient sureties (to be approved by the chairman of said board) in the penal sum of one thousand dollars, conditioned that they will fulfill all the duties imposed upon them by this act, and in case of their failure to file such bond, they shall forfeit all

the benefits that might accrue to them by the passage of this act.

Penalty for neglect.

SECTION 5. That for every neglect or failure to comply with the provisions of this act, they shall forfeit a sum not exceeding ten dollars, to be recovered (by any person suffering damage by reason of such neglect or failure) in a civil action before any court having competent jurisdiction.

Rates of toll.

SECTION 6. The rates charged for crossing at said ferry shall not exceed the following, except when such crossing is out of the regular schedule time for running such ferry, when double rates may be charged: for each foot passenger, twenty-five cents; for each horse, mare, or mule, ox or cow, fifty cents; for each two horse or mule team with vehicle and load, one dollar and twenty-five cents; for each single horse and carriage, one dollar; for each additional horse, mare, mule, ox or cow, fifty cents; for each hog or sheep in droves of three or less, twenty-five cents, and in droves or more than three, ten cents. All freights of merchandise or other articles not in teams, at the rate of ten cents per hundred pounds; and two dollars per thousand feet of lumber.

Penalty for exacting exhorbitant toll.

SECTION 7. If said corporators or their employes shall take, exact or receive any higher rate of ferriage than that prescribed in section six, said corporators, their heirs or assigns, shall be liable to the party aggrieved in the sum of five dollars for every such act, to be recovered before any court having competent jurisdiction.

Penalty for infringement.

SECTION 8. If any other person or persons shall, af- the establishment of the said ferry aforesaid, set up, keep, or maintain any ferry within the limits aforesaid, every such person shall, for every such offense, forfeit and pay the sum of ten dollars, by and for the use of the said corporators and their assigns, to be collected by law in any court having jurisdiction of the same.

SECTION 9. This act shall take effect and be in force from and after its passage.

Approved March 1, 1877.

[*Published March* 10, 1877.]

## CHAPTER 105.

AN ACT relating to the commencement of actions, and amendatory of section 26 of chapter 138 of the revised statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twenty-six of chapter 138 of the revised statutes, is hereby amended so as to read as follows: "The limitations prescribed in this chapter shall apply to actions brought in the name of the state, or for its benefit, in the same manner as to actions by private parties: *provided*, that this section shall not be so construed as to enable any person to obtain title to any lands, tenements or hereditaments belonging to or owned by the state, by adverse possession, prescription or user."

Amended.

Limitations to apply to certain actions.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 1, 1877.

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[*Published March* 10, 1877.]

## CHAPTER 106.

AN ACT relating to estates in dower, and amendatory of sections 17, 18 and 10 of chapter 89 of the revised statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 17 of chapter 89 of the revised statutes, is hereby amended so as to read as follows: If any such jointure or pecuniary provision be made before marriage and without the assent of the intended wife, or if it be made after marriage, she shall make her election after the death of her husband whether she will take such jointure or pecuniary provision or the share of his estate hereinafter provided.

Amended.

Wife to make election after death of husband.

SECTION 2. Section 18 of said chapter 89, is hereby amended so as to read as follows: If any lands be devised to a woman, or other provision be made for her in the will of her husband, she shall make her election whether she will take the lands so devised or the pro-

Amended.

When lands devised to wife.

vision so made, or whether she will claim the share of his estate provided in the next section, but she shall not be entitled to both unless it plainly appears by the will to have been so intended by the testator.

Amended.

SECTION 3. Section 19 of said chapter 89 is hereby amended so as to read as follows: When a widow shall be entitled to an election under either of the last two preceding sections, she shall be deemed to have elected to take such jointure, devise or other provision, unless within one year after the death of her husband she file in the court having jurisdiction of the settlement of his estate, notice in writing that she elects to take the provision made for her by law, instead of the provision made for her by such jointure or other provision or devise; and upon filing such notice she shall be entitled to the same rights as to dower in his lands, and the same rights as to the homestead as though he had died intestate, and shall in addition thereto be entitled to claim and receive the same share of his personal estate as though he had died intestate; *provided, however*, that nothing herein contained shall entitle any such widow to claim or receive from the estate of her deceased husband in any of the foregoing cases any greater share or part of or interest in his estate than her rights of dower in his lands, her rights to the possession of the homestead during her widowhood, and one-third part of his net personal estate.

When widow deemed to have elected to take jointure.

Proviso.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1877.

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[*Published March* 23, 1877.]

## CHAPTER 107.

AN ACT relating to ward officers of the city of Watertown, and amendatory of an act entitled "An act to incorporate the city of Watertown and the several acts amendatory thereof," approved March 28, 1865, and repealing chapter 237, of the laws of 1875, approved March 5, 1875.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Election of aldermen.

SECTION 1. On the second Tuesday of April next (1877), and annually thereafter there shall be elected by the qualified electors of each ward of the city of Watertown two aldermen, whose term of service shall

be for one year and until their successors are elected and qualified, but each one of said aldermen shall have the right to resign in the manner provided in chapter sixty-one of the private and local laws of 1867, and upon filing his resignation shall cease to be an alderman. One of said aldermen in each ward shall be denominated senior alderman, and shall be so designated on the ballots. The said alderman shall each be entitled to seats in the common council of said city, and the senior aldermen so elected shall form a board of street commissioners and shall have and exercise all the powers now conferred by law on the said board, except so far as limited and controlled by this act.

**Election of supervisors and roadmasters.**

SECTION 2. In each ward of said city, at the annual election to be holden on the second Tuesday of April next (1877) and annually thereafter, there shall be elected by the qualified electors of each ward, one supervisor and one roadmaster. Said supervisor shall be entitled to a seat in the county board of supervisors, and in case of any vacancy in said office or inability from any cause to attend said county board, then the senior alderman of said ward shall represent said ward in the county board of supervisors. The road master shall, under the directions of the ward board (hereinafter provided), superintend all work in his respective ward, and shall be entitled to receive not exceeding one dollar and twenty-five cents per day for his services during the time actually employed, to be ascertained and audited by the ward board.

**Ward boards.**

SECTION 3. The senior alderman, supervisor and road master shall constitute a ward board, a majority of whom shall constitute a quorum, and shall have exclusive control of all the streets, highways, alleys and public grounds of their respective wards, and shall direct all improvements therein; they shall have full control of all road funds and the expenditure of the same and all road taxes and highway labor shall be under their control, and shall have full power to collect and expend all poll tax as provided by law. All claims against said ward shall be audited by said ward board and laid before the common council or board of street commissioners for allowance, and no claim so audited shall be increased by said board without the consent of the ward board.

**Duty of same.**

SECTION 4. The ward board shall act as inspectors of election in their respective wards, also as a board of registry, and shall receive no compensation for any service, except as provided by law.

oor fund.

SECTION 5. The supervisors of the fifth and sixth wards of the city of Watertown shall have control of the poor fund of their respective wards; shall audit accounts, and lay the same before the board of street commissioners to be allowed.

Right to examine records.

SECTION 6. Any tax payer or elector of said city shall have the right of free access to and to examine all records, books and papers of every description in the office of the city clerk, treasurer and board of education without charge and during all reasonable hours.

Repealed.

SECTION 7. Chapter 237 of the laws of 1875 and all laws conflicting with this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage.

Approved March 1, 1877.

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[*Published March* 26, 1877.]

## CHAPTER 108.

AN ACT relating to prisons and common jails, and amendatory of section 9 of chapter 190, of the revised statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section nine of chapter one hundred and ninety (190) of the revised statutes of 1858, is hereby amended by inserting in the fifth line, after the words "ministers of the gospel," the words "or persons duly delegated by any regular organized Young Men's Christian Association within the county," so that said section 9, chapter 190, when amended shall read: The keeper of each prison shall provide at the expense of the county, for each prisoner under his charge, who may be able and desirous to read a copy of the bible or new testament, to be used by such prisoner at proper seasons during his confinement, and any minister of the gospel, or person duly delegated by any regularly organized Young Men's Christian Association within the county disposed to aid in reforming the prisoners and instructing them in their moral and religious duties, have access to them at seasonable and proper times.

Prisoners to have bible, etc.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1877.

[*Published March* 10, 1877.]

## CHAPTER 109.

AN ACT relating to the partition of real estate, and amendatory of chapter 142 of the revised statutes, relating to the partition of lands owned by several persons.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. In all actions for the partition of real estate in case any of the defendants are minors, the order of reference shall provide that the referee shall also inquire whether the interests of the parties would be promoted by platting the property sought to be partitioned, or any part thereof, and if on the coming in of said report the court shall be satisfied that the interests of the parties would be promoted by platting the said property, or any part thereof, the said court shall, by the order appointing commissioners to make partition further order the said commissioners to make and acknowledge a plot of such real estate, laying out roads, streets and alleys as may be deemed most beneficial to the owners. A plat made pursuant to such order, certified and acknowledged in manner and form required by law, and approved by the court, shall be to all intents of the same validity and effect as if made by all the parties thereto, and as if made by such minors when of full age, and the said commissioners may in making such partition allot the said real estate so partitioned by lots and blocks. When real estate to be platted.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 1, 1877.

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[*Published March* 10, 1877.]

## CHAPTER 110.

AN ACT relating to assessors in the city of Janesville, and amendatory of section 1 of chapter 7 of chapter 474 of the private and local laws of Wisconsin for 1866, entitled "An act to reduce the act incorporating the city of Janesville and the several acts amendatory thereof into one act, and amend the same."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1 of chapter 7 of chapter 474 of the private and local laws of 1866, is hereby amended, Amended.

by striking out of the first and second lines thereof the following words, to-wit: "between the first day of May and the first day of June," and insert in lieu of such words the following: "On or before the first day of May." Also, by striking out of the fifth and sixth lines of said section the words "in the first or fourth ward in said city, and the other in the second or third ward in said city," and insert in lieu of such words the following words, to-wit: "on the east side of Rock river in said city, and the other on the west side of Rock river in said city." Also, by striking out of the twelfth and thirteenth lines of said section the words, "for thirty days only," so that the section, when amended, shall read as follows: "Section 1. The common council shall, on or before the first day of May in each year, appoint two assessors, whose duty it shall be to assess the property in said city according to law. One of said assessors shall reside on the east side of Rock river in said city, and the other on the west side of Rock river in said city. Such assessors shall, on or before the first Monday in July next ensuing their appointment, make out and deliver to the city clerk of said city, a copy of the return required by law to be made by them, and returned to the clerk of the board of supervisors. They shall each receive as compensation for their service, two dollars and fifty cents per day, which shall be in full for making such assessment and taking the statistics required by law."

**Appointment and duty of assessors.**

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 1, 1877.

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[*Published March* 10, 1877.]

## CHAPTER 111.

**AN ACT to authorize the transfer into the proper offices of certain documents belonging to the state.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Transfer of documents; duty of governor.**

SECTION 1. The governor is hereby authorized to transfer to the office of the secretary of state all books, files, records, certificates and documents in his office concerning, belonging or appertaining to the lands granted to the territory of Wisconsin, by the act of Congress approved June 18, 1838, entitled "an act to

grant a quantity of land to the territory of Wisconsin, for the purpose of aiding in opening a canal to connect the waters of lake Michigan with those of Rock river," also all books, files, records, certificates and documents in his office concerning, belonging or appertaining to the lands granted to the territory of Wisconsin, by the act of Congress, approved September 4, 1841, entitled "an act to appropriate the proceeds of the sales of public lands, and to grant pre-emption rights," also, all the books, files, records, certificates and documents in his office concerning, belonging and appertaining to the lands granted to the territory of Wisconsin by the act of Congress, approved June 15, 1844, entitled "an act granting a section of land for the improvement of Grant river, at the town of Potosi, in Wisconsin Territory."

**Duty of secretary of state.**

SECTION 2. The secretary of state is hereby authorized and required to transfer from his office to the executive office, as soon as the same shall have been recorded in his office in the book or books kept for that purpose, all patents, statements, list or lists of lands, or the certified copies thereof by any officer in whose custody the originals may be, which may have been or shall hereafter be certified to the state of Wisconsin, by the president of the United States, or by either of the departments of the United States or any of the officers thereof including the secretary of the interior or by the commissioners of the general land office of the United States, for railroad purposes, for aiding in the construction of military wagon roads, for the benefit of the Fox and Wisconsin river improvement, and for the benefit of the Wisconsin Railroad Farm Mortgage Land Company.

**Records mentioned to be deemed part of public records.**

SECTION 3. Whenever the records mentioned in this act shall have been transferred, as herein provided, they shall be deemed for all purposes a part and parcel of the public records of the offices to which they have been respectively transferred as fully and completely as if they had been primarily and originally deposited in said offices.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1877.

[*Published March* 8, 1877.]

## CHAPTER 112.

AN ACT to repeal chapter 276 of the general laws of 1875, entitled "An act to fix the fees of the register of deeds of the county of Milwaukee, for the registration of marriages, births, and deaths."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Chapter 276 of the general laws of 1875, entitled "An act to fix the fees of the register of deeds of the county of Milwaukee, for the registration of marriages, births, and deaths," is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1877.

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[*Published March* 8, 1877.]

## CHAPTER 113.

AN ACT to detach certain territory from the town of Orion and attach the same to the town of Eagle, in the county of Richland, state of Wisconsin.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Change of town boundaries.

SECTION 1. The following described territory embraced within the present boundaries of the town of Orion, of the county of Richland, is hereby detached from the said town of Orion, and attached to, and made a part of, the said town of Eagle, in the said county of Richland, to-wit: The northeast quarter of section number thirty-six (36), of town number nine (9) north of range number one (1), west. Also the north half of the southeast quarter, and the north half of the south half of the southeast quarter of said section thirty-six (36) as aforesaid; said territory to be deemed and taken for all purposes in law, as composing and being a part of the said town of Eagle.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1877.

[*Published March* 8, 1877.]

## CHAPTER 114.

AN ACT relating to the State Historical Society.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The clause in chapter 327, laws of 1860, prohibiting the sale or transfer of books, papers and other property of the State Historical Society shall not be construed to prevent the sale or exchange of any duplicates that the society may obtain.

Construction of chap. 327, laws of 1860.

SECTION 2. There is hereby granted to the State Historical Society forty copies of the final report of the Geological Survey of Wisconsin, to be used for exchanges in building up the library of the society.

Geological reports granted to State Historical Society.

SECTION 3. The State Historical Society is hereby expressly prohibited from placing a mortgage or other lien upon its books, papers, collections or other property. The society is also hereby debarred from removing its library, collections or other property from the capitol building without authority of law.

Same prohibited from mortgaging property

SECTION 4. No additional money shall be drawn from the state treasury, either in the form of appropriations or salaries, until the society shall have formally accepted and assented to the restrictions as provided for in section three of this act, and shall have filed a certificate of the same, signed by duly authorized officers, with the secretary of state.

No money to be drawn from state until restrictions of this act accepted.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 1, 1877.

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[*Published March* 10, 1877.]

## CHAPTER 115.

AN ACT relating to deposits of married women, trustees and minors in savings banks.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Whenever any deposit shall be made in any savings bank organized under chapter 384 of the general laws of 1876, by or in the name of any person

Deposits in savings banks by minors, etc., to be held for benefit of depositor

being a minor, or a female being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all persons whatsoever, except creditors, and shall be paid, together with the dividends or interest thereon, to the person in whose name the deposit shall have been made, and the receipt or acquittance of such minor or female shall be a valid and sufficient release and discharge for such deposit, or any part thereof to the corporation. And whenever any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to the bank, in the event of the death of the trustee, the same or any part thereof, together with the dividends or interest thereon, may be paid to the person for whom the said deposit was made.

SECTION 2. This act shall take effect from and after its passage.

Approved March 1, 1877.

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[*Published March* 8, 1877.]

## CHAPTER 116.

**AN ACT relating to evidence in certain cases, and to provide an executive privy seal.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Executive privy seal.**

SECTION 1. The governor is hereby authorized to procure a seal for the executive office, which shall be known and designated as the "Executive Privy Seal," and all official certificates of his private secretary shall be thereby authenticated.

**Description to be deposited.**

SECTION 2. The description in writing of the executive privy seal shall be deposited and recorded in the office of the secretary of state, and shall remain a public record.

**How seal to be used.**

SECTION 3. Copies of all statements, list or lists of lands which may have been or shall hereafter be certified to the state of Wisconsin by the President of the United States, or by either of the departments of the United States, or any of the officers thereof, including the Secretary of the Interior, or by the commissioner of the general land office of the United States for rail-

road or any other purposes (or of the certified copies thereof by any such officer in whose custody the originals may be), patents, (or the certified copies thereof by any officer in whose custody the originals may be), deeds, bonds, contracts, documents, files, certificates, reports, or papers of whatsoever nature deposited, filed or recorded in the executive office, and transcripts from the books, records, papers and memorandums kept therein, when duly certified by the governor's private secretary and authenticated by the executive privy seal, shall be in or before any court or tribunal *prima facie* evidence of the matter or things so certified.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1877.

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[*Published March* 10, 1877.]

## CHAPTER 117.

**AN ACT relating to highways, streets and alleys upon boundary lines of cities and towns.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Laying out of streets and highways in cities.**

SECTION 1. Whenever application in writing shall be made to the common council of any incorporated city, by fifteen or more resident freeholders, to lay out and establish, alter or discontinue a highway, street or alley, upon the boundary or division lines between any two cities, the common council of such city shall elect three commissioners, disinterested resident freeholders of said city, who shall, after being duly sworn, proceed in the same manner, be governed by the same laws and possess the same powers as are now in force for the laying out of town line highways by town supervisors, and all matters relating to orders and awards for damages, required to be recorded with town clerks, shall be recorded in the office of the city clerk or clerks, whenever such city is a party to the laying out, altering or discontinuing of such highway, street or alley.

**Tax to be levied to pay damages and expenses.**

SECTION 2. The board of aldermen of any city wherever such highway, street or alley shall have been laid out, altered or discontinued, as provided in section

one (1) of this act, shall cause to be levied and collected, in the next succeeding tax levy of said city, a sum sufficient to pay the damages allowed and certified to by the commissioners so appointed, and the further sum of three dollars per day to each of said commissioners, for time actually and necessarily employed in the discharge of such duty.

How appeals made.

SECTION 3. The same proceeding shall be followed in appeals from the decision of the commissioners named in section one (1) of this act, as are followed in cases of appeal from supervisors in laying out, altering or discontinuing highways upon town lines.

Definition of "commissioners."

SECTION 4. For the purpose of construing and giving force and effect to the provisions of this act, the word "commissioners" shall convey the same meaning as the word "supervisors," in all cases where the same shall refer to their powers and duties in laying out, altering or discontinuing highways.

SECTION 5. This act shall be in force from and after its passage and publication.

Approved March 3, 1877.

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[*Published March* 10, 1877.]

## CHAPTER 118.

AN ACT to provide for the payment of the actual indebtedness of the late town of Eaton, in Monroe county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Claims against town to be filed with county clerk.

SECTION 1. Any person having or holding any town order issued by the (late) town of Eaton or its officers, in Monroe county, or having or holding any valid claim against said town, the amount whereof is, or has been, ascertained by the action of any town board of supervisors of said town, the evidence whereof is in writing, signed or made by any town clerk or supervisor of said town, may file the same with the county clerk of Monroe county on or before the first day of November, A. D. 1877.

Duty of county clerk.

SECTION 2. The said county clerk shall enter in a book, to be kept in his office, the amount of any such order or claim, its kind or nature, the date of filing and the name of the owner thereof, and shall ascertain the total amount of such claims of all kinds so filed, and

shall apportion the same to the town of New Lyme and to the town of Lincoln, according to the assessed valuation of the taxable property in the territory; being township nineteen (19) north, range three (3) west (being the town of New Lyme and township nineteen (19) north, range two (2) west), being a part of the town of Lincoln, in said Monroe county, as returned by the town board of equalization of each said towns for the year A. D. 1877. And the said county clerk shall certify, under his hand and official seal, to the said towns of New Lyme and Lincoln respectively, at the time of certifying the county and other taxes to such towns, and in the same manner the amount of said claims so filed and the amount thereof so apportioned to said towns and territory as aforesaid.

Duty of town clerk of town of New Lyme.

SECTION 3. Upon the receipt of such certificate from the county clerk, the town clerk of the town of New Lyme shall proceed to assess the amount named in such certificate upon the taxable property of said town, placing the same upon the town assessment roll and tax roll for the year 1877, in a separate column, and the same proceedings shall be had thereon, and the same shall be collected in like manner as other town taxes.

Duty of town clerk of town of Lincoln.

SECTION 4. Upon the receipt of such certificate from the county clerk, the town clerk of the town of Lincoln shall proceed to assess the amount named in such certificate upon the taxable property of that part of the said town of Lincoln, being township nineteen (19) north, range two (2) west, placing the same upon the town assessment roll and tax roll for the year 1877, in a separate column, and the same proceedings shall be had thereon, and the same shall be collected and returned in like manner as other town taxes.

Duty of town treasurers.

SECTION 5. The treasurers of the said towns of New Lyme and Lincoln shall pay over to the county treasurer of Monroe county, on or before the first day of March, A. D. 1878, all moneys by them, or either of them collected of the tax assessed as herein provided, taking from said county treasurer his receipt therefor.

Claimants to be paid *pro rata*.

SECTION 6. In case the amount collected and paid over by said town treasurers as provided in section 5 of this act, shall be insufficient to satisfy and pay the said claims so filed with the county clerk, the amount received by the county treasurer shall be apportioned by him and paid to said claimants, pro rata, and the said county clerk shall at the time of certifying to the several towns the amount of county and other taxes for the

year 1878, apportioned to the towns and territory hereinbefore specified the amount yet remaining unpaid of said claims, and apportion to the said towns of New Lyme and Lincoln the amount thereof unpaid by them respectively, and add the same to the amount of the county tax for said towns for said year 1878, and the amount so apportioned shall be assessed, levied and collected and paid over by the said towns of New Lyme and Lincoln respectively to the county treasurer of said county, as other county taxes for said year, and the balance of said claims so filed and remaining unpaid shall thereupon be paid by said county treasurer.

Amount unpaid to be assessed and collected.

SECTION 7. The said county clerk shall cause to be published in each of the newspapers published in said county for six weeks prior to July 1st, 1877, a notice containing the substance of section one (1) of this act, and any and all orders, claims, accounts or demands against said (late) town of Eaton not filed with the county clerk of Monroe county on or prior to the first day of November, A. D. 1877, as herein provided, shall be void, and no action or proceeding shall be maintained against said (late) town of Eaton, or the territory formerly composing said town or against any inhabitant thereof, upon any such claim, order, account or demand, not filed with said clerk as aforesaid.

County clerk to publish notice.

SECTION 8. Any person or officer of whom or by whom any act is required to be done or performed by the provisions of this act, who shall fail or neglect to do or perform such act as is herein required, shall be personally liable to the owner of any of the aforesaid claims of any kind filed as hereinbefore provided for the full amount of such claim with interest from November 1st, 1877, to be recovered in an action by such claimant against such person or officer.

Liability of officers for neglect of duty.

SECTION 9. This act shall take effect from and after its passage and publication.

Approved March 3, 1877.

[*Published March* 8, 1877.]

## CHAPTER 119.

AN ACT to confer civil jurisdiction on the county court of Fond du Lac county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Jurisdiction conferred on county court.

SECTION 1. There is hereby conferred upon the county court of Fond du Lac county, jurisdiction in all civil actions and proceedings in law and equity, and under the statutes of the state of Wisconsin, except actions of quo warranto and proceedings by information in the nature of quo warranto, concurrent with and equal to the jurisdiction of the circuit court in said county, for all claims, demands and sums, and of and concerning all property, not exceeding the sum or value of twenty thousand dollars; *provided*, that said county court shall have jurisdiction in all actions in said county for the foreclosure of mortgages, in which the amount claimed, and in actions for divorce in which the alimony asked for does not exceed twenty thousand dollars, although the property to be affected by the judgment may exceed that amount in value; and to the amount and within the limits aforesaid, the said county court shall be a court of general jurisdiction, with the same power and jurisdiction in all such civil actions and proceedings as belong to and are exercised by the circuit court in and for said county.

Appeals to be taken to county court.

SECTION 2. From and after the taking effect of this act, all appeals in civil actions from justices of the peace of said Fond du Lac county, or from any judgment in any civil action, rendered by or recovered before any justice of the peace in said county, except a justice of the peace of the city of Ripon shall be taken to the county court of said Fond du Lac county, instead of the circuit court of said county, as now provided by law, and the like proceedings therein shall be had in the said county court, and such appeals shall be tried and determined therein in the same manner as is by law required in the circuit court; and all laws providing for taking appeals in civil actions from justices of the peace or justices' courts of said county to the circuit court thereof, shall from thenceforth be construed to mean and read to the said county court, so far as the said county of Fond du Lac is concerned.

County court to be court of record.

SECTION 3. The said county court shall be a court of record, with a clerk and seal, and shall have full power and authority to issue all legal process proper and necessary to carry into effect the jurisdiction given to it by this act, and the laws of this state, and to carry out such jurisdiction, shall have and exercise all the powers usually possessed by courts of record, under the common law and in equity, under the regulations imposed by statute.

Clerk of circuit court to be clerk of county court.

SECTION 4. The clerk of the circuit court of said county shall be clerk of said county court, and shall have the care and custody of all the books and papers belonging to said county court (except those that appertain to the probate jurisdiction thereof), and shall perform the duties of clerk of said county court in the same manner as is now by law, required of him as clerk of the circuit court, so far as it shall be requisite and necessary to discharge the necessary duties as clerk of said county court and to carry into effect the provisions of this act. And the said clerk of the county court shall keep all necessary records of the proceedings and judgments had in said county court, in like manner as is now provided in the circuit court in all civil proceedings; and his fees and compensation therefor shall be the same as are now or may hereafter be provided by law for the fees and compensation of the clerk of the circuit court except as herein limited or provided.

Deputy clerk of circuit court to be deputy clerk of county court.

SECTION 5. The deputy now authorized by law, to be appointed by the clerk of the circuit court of said county, shall also be deputy clerk of said county court, and in like cases and in like manner as he is now authorized by law to perform the duties of clerk of the circuit court, he is hereby authorized and empowered to perform and discharge the duties of the clerk of the said county court.

County court to have powers of circuit courts.

SECTION 6. Said county court shall have like power to issue all necessary and proper writs, in all civil actions or proceedings as is now possessed, or hereafter may be possessed, by the circuit courts of this state, and the same proceedings shall be had by parties to procure such writs as in the circuit courts of this state, and they shall be issued, executed and returned in the same manner, and with like effect, as in the circuit courts.

Statutes to apply to county court.

SECTION 7. All the general provisions of the statutes of Wisconsin, and of all general laws which now exist, or may hereafter exist, relating to the proceed-

ings in civil actions in the circuit courts of this state, and to the powers and duties of courts of record, shall apply in like manner, and with like effect, to said county court as to said circuit courts, and the judge of said county court shall have power to punish for contempts in the same manner that the judges of the circuit courts are, or may be, authorized by law to punish for contempts. The rules and practice of said county court shall be the same as in the circuit courts of this state, as they may exist, or as shall hereafter be provided for said circuit courts in civil actions.

**Seal of court.**

SECTION 8. The county court of Fond du Lac county shall continue to use the present seal of said court: *provided*, that whenever it shall be necessary, the judge of said court may procure, at the expense of the county, a new seal for said court

**County to supply books and blanks.**

SECTION 9. The county of Fond du Lac shall provide all books, blanks and stationery necessary for keeping the records and proceedings of said county court made necessary by this act.

**Parties to have same rights as in circuit courts.**

SECTION 10. Parties to all civil actions in said county court, shall have the same rights to writs of error and appeal from said county court to the supreme court of this state, as now are allowed by law from the circuit courts of this state, or may hereafter be allowed by law.

**Appeals to supreme court.**

SECTION 11. Causes removed from the county court to the supreme court, and the decisions and judgments of said county court, may be reviewed by the supreme court in the same manner that causes removed from circuit courts are reviewed by the supreme court; and the supreme court shall have the same power over such causes and judgments as it has over causes and judgments of the circuit court.

**Attorneys may demand bills of exception, etc.**

SECTION 12. The party or attorney in a cause in said county court may demand, and shall be entitled to receive, of the judge of said county court, a bill of exceptions, or case, and have the same settled in the same manner and under the same restrictions as in the circuit court, and the same shall be heard or settled within the same time as now required, or may hereafter be required, in the circuit court, by law or the rules and practice of said circuit court.

**Judgment may be rendered in vacation.**

SECTION 13. Judgment may be had and rendred in vacation in said county court, subject to the foregoing limitations as to jurisdiction, if the defendant fail to answer the complaint, in the same manner and in like cases wherein judgment may now be, or may be here-

after had and entered in the circuit court in vacation: *provided, however*, that execution may be issued upon any such judgment at any time after the entry of the same.

Terms of county court.

SECTION 14. There shall be held at the county seat of said county three general terms of said court, viz: On the second Mondays of January, May and September in each year. Special terms of said court may be called and held by order of the judge of said court, a copy of which order shall be published three successive weeks in some newspaper published at the county seat of said county before such special term, and a jury may be selected for any such called special term in the same manner as for general terms of said court, when in the discretion of such judge it is deemed necessary. A special term of said court shall be held on the second Monday of April and October in each year; *provided*, that no issues of fact nor appeals from justices' courts shall be tried or heard at such special terms. Such special terms may be held at the office of the county judge, and no officer except the clerk shall receive any compensation for attendance upon such special terms unless directed to attend by the judge of said court.

When judge does not attend, sheriff or clerk to adjourn court.

SECTION 15. If the judge authorized to hold such court shall not attend for that purpose, before four o'clock in the afternoon on the day appointed for such court to meet, it shall be the duty of the sheriff or clerk to adjourn said court, from day to day, for three days, unless the judge shall sooner appear, and if the judge does not appear at that time, the court shall stand adjourned for the term, and all cases continued until the next regular term of said court.

When judge not to try cause.

SECTION 16. No judge of said county court shall have power to try and determine any cause in which he shall have acted as counsel for either party, except by agreement of parties; and all such cases he shall transmit to the circuit court of the said county, and the circuit court shall thereupon proceed to try and determine the same, in the same manner and order as if it had originated in the circuit court.

Change of venue.

SECTION 17. In all cases where a change of venue is allowed for the reason of interest or prejudice upon the part of the county judge, the cause shall not be remitted to another county, but shall be removed to the circuit court of the same county.

County tax on suits.

SECTION 18. On each civil suit commenced in or appealed to said county court, there shall be paid a county tax of one dollar, to be paid as follows: On

each suit commenced in said court, to be paid to the clerk of court at the time of the commencement thereof; on all suits appealed to said court from a justice of the peace, to be paid to the justice from whom such appeal is taken, at the time now required by law for the payment of the state tax on such suits appealed to the circuit courts, and shall be in lieu of such state tax. The justice shall forward such county tax to the clerk of the court at the time he makes his return to the appeal. The clerk of the county court shall, on the first Monday in January, May and September in each year, make a return, under oath, to the county treasurer of such county, of the amount of money by him received for such county tax, since the date of his last return, and also a list of the suits commenced in, or appealed to said court since his last return, and shall, at the time of making such return, pay over to said treasurer all money which shall be due from him to the county for such county tax on suits by him received. The aforesaid county tax, collected on such suits, shall form a separate fund, to be applied toward the payment of the salary of the judge of said county court.

How costs to be recovered.

SECTION 19. Costs shall be recovered in said court (to be taxed by the judge or clerk thereof), to the same amount as in circuit court, including jury fees and county tax, except as herein otherwise provided or limited.

Salary of judge.

SECTION 20. The county judge of said Fond du Lac county, for performing the duties required by this act, shall receive a salary of one thousand dollars per annum, to be paid quarterly, out of the county treasury, by the county treasurer, in addition to the compensation now allowed him by law.

When cases to be tried by jury.

SECTION 21. If an issue of law be made in any cause in said court, or an issue of fact in any action, heretofore cognizable only in a court of equity, the same shall be tried by the court; if an issue of fact properly triable by a jury, and not heretofore cognizable only in a court of equity, be made, it shall, on demand of either party, as hereinafter provided, be tried by a jury of not less than twelve persons (unless a less number be agreed upon by the parties), and if no jury be demanded by either party, the issue shall be tried by the court: *provided*, that nothing herein contained shall prohibit the trial of a case by a jury, properly triable by a jury, for the reason that an equitable defence is set up. If an inquest or assessment is necessary to be had, or taken, in any cause in said court,

the same shall be had or taken by the court, except that in such cases wherein an inquest or assessment of damages according to law, or the rules and practices, of the circuit court, has heretofore been required to be had or taken by a jury, either party may demand an inquest or assessment of damages by a jury, and upon such demand being made, the inquest or assessment of damages in such cases, shall be had or taken by a jury, and in any action arising on contract, for the recovery of money only, where the defendant has failed to answer the complaint, the clerk of the court may assess the damages therein, or ascertain the amount due the plaintiff therein: *And provided further*, that the clerk of said court shall have the same authority and power to assess damages, or ascertain the amount due in like cases and in the same manner, as he is authorized and empowered to do, in the circuit courts of this state, and shall have generally the same power and authority and duties in all cases in said county court, as he has now by law, or otherwise, in cases in the circuit court.

Powers of clerk

Jury fees.

SECTION 22. The demand for a jury shall be accompanied by the payment into the court of three dollars jury fees. If the jury agreed upon shall be six or less, then the fees to be paid into court shall be one dollar and fifty cents.

How jury to be paid.

SECTION 23. In all appeal cases tried in said court the jury shall be paid by the county through the clerk of the court, who is hereby authorized on his own certificate in each case for that purpose, to draw the requisite amount of money from the county treasury.

Fees of jurors.

SECTION 24. The fees of jurors in said court shall be one dollar and twenty-five cents per day for each day's actual attendance, and seventy-five cents for each half day or a less fractional part of a day's attendance, to be paid in the same manner as jurors in the circuit court.

Qualifications of jurors.

SECTION 25. The qualifications of jurors shall be the same as now required by law of jurors in the circuit court: *provided, however*, that no person shall be compelled to sit upon a jury who is over sixty years of age.

How persons to be selected.

SECTION 26. The jurors for said court shall be selected as follows, from residents of the county of Fond du Lac, qualified to act as jurors, the county judge and clerk of the circuit court shall, at least two weeks before each term of court, select from such residents qualified to serve as jurors, fifty persons to serve as jurors in said court, at and during the next term there-

of: *provided, however*, that if such jury is not selected as herein provided, it may be selected at any other time; *and, provided further*, that such jury shall not be illegal if persons in good faith are selected who are not qualified, but the names of such persons when discovered, shall be stricken therefrom. A list of such jurors when selected, shall forthwith be filed in the office of the clerk of the court.

Challenge of jurors and selection of talesmen.

SECTION 27. At each term of said court, general or special, the clerk shall put the names of all such jurors so selected in a box, and when a jury shall be demanded, the same shall be drawn from the names in such box. The plaintiff or plaintiffs shall be entitled to six peremptory challenges, and the defendant or defendants to a like number of challenges, to be made alternately from the full list, the plaintiff challenging first. When a jury shall have been selected as aforesaid, or otherwise agreed upon, a venire therefor may be issued by the judge or clerk of said court and delivered to the sheriff or his under-sheriff, or any of his deputies, who shall duly execute the same. If any of the jurors named in such venire shall not be found, or shall fail to appear, or if there shall be any legal objection to any that shall appear, or if any of them be excused by the court or parties, the court shall direct the sheriff or his under-sheriff, or any of his deputies to summon a sufficient number of talismen to supply the deficiency. The officer summoning the same may insert the names of such talesman in the venire. If the jury shall be required to make an inquest or assessment of damages, in any case, the same shall be drawn from the names in such box, or the court may direct the same to be had and taken by any jury summoned as in any other case, or may direct the clerk to issue a venire to summon a special jury for that purpose, to be composed of persons qualified to serve as jurors in said court; and unless objections are made, such inquest may be had or held, or such assessment of damages made by the court or the judge thereof, without the intervention of a jury. The court may set down any case on the calendar for trial on any particular day, and when a case is set down for trial on any particular day by order of the court or otherwise, the court may then or any time afterwards, require the parties in such action to determine and select whether he or they wish a jury and if both parties elect to try such case without a jury, or if both parties neglect or refuse to so determine or elect, then at the said term neither party

shall be entitled to a trial by jury, but the court may, at its discretion, grant a trial by a jury, and if a trial is demanded, the court may then or at any time afterwards, direct that a jury be selected as aforesaid in such case, and issue a venire therefore, returnable at the time fixed for the trial of such action. If for any cause in selecting a jury the panel shall become exhausted, a jury may be obtained as provided in similar cases in the circuit court.

**Sheriff to attend court.**

SECTION 28. The sheriff of said county, in person, or by his under sheriff or deputies, shall attend said county court, when actually in session, for the transaction of business other than probate business. And he shall be entitled to receive therefor the same compensation, payable in like manner, as is or may be provided by law, for like services in the circuit court.

**Fees of clerk.**

SECTION 29. The fees of the clerk of said court in any one cause shall not exceed the following sums: In cases settled or discontinued before answer, two dollars; in cases discontinued after answer and before the same shall be put upon callendar, three dollars, and after answer, and after having been put upon calendar, four dollars; in cases when judgment is entered without application to the court, four dollars; in cases of no answer when judgment is upon application to court, seven dollars; in like cases, when judgment is entered upon application to court and the same could be entered in vacation, five dollars; in case there is an answer and the same is tried by court, eight dollars (if a final determination on a demurrer, six dollars); if tried by a jury, ten dollars; in appeal cases tried by the court upon return of justice, five dollars; in all appeal cases which are dismissed without trial, four dollars; in all other appeal cases, seven dollars. In case there is more than one trial, three dollars shall be added to such limitations for each additional trial.

**Suits commenced before justices of the peace to be sent to county court.**

SECTION 30. When in any suit, commenced before any justice of the peace of Fond du Lac county, a plea or answer shall be put in showing that the title of lands will come in question, as provided by sections 51, 52, 53, 54 and 55, of chapter 120, of the revised statutes, or of any act which may hereafter be passed amendatory thereof, such suit shall be sent and certified in said county court, instead of the circuit court of said county, and wherever in said sections the word "circuit" or "circuit court" are used, the same shall be and are hereby changed, so far as the same relate

to Fond du Lac county, to county and county court, and the bond to be given shall be conditioned to prosecute his said action in the county court instead of the circuit court.

SECTION 31. All judgments, orders and decrees made and entered in and by said county court, shall have the same force, effect and lien and be executed and carried into effect and enforced as judgments, orders and decrees, made and entered in the circuit court, and all the remedies given, and proceedings provided for the collection and enforcement of the judgments, orders and decrees of the circuit court, shall apply to and be exercised by and pertain to said county court. Status of county court.

SECTION 32. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1877.

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[*Published March* 6, 1877.]

## CHAPTER 120.

**AN ACT to change and define the limits of the Third, Seventh and Ninth Judicial Circuits, and fix the time for holding the terms of court therein, and for other purposes.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The counties of Green Lake, Dodge, Washington, Ozaukee and Winnebago, shall constitute the Third Judicial Circuit. Third judicial circuit.

SECTION 2. The counties of Portage, Marathon, Waupaca, Wood, Waushara, Lincoln and Taylor, shall constitute the Seventh Judicial Circuit. Seventh judicial circuit.

SECTION 3. The counties of Marquette, Adams, Juneau, Columbia, Sauk and Dane, shall constitute the Ninth Judicial Circuit. Ninth judicial circuit.

SECTION 4. The times for holding the terms of court in the Third Judicial Circuit shall be the same as now fixed by law. Terms in third circuit.

SECTION 5. The times for holding the terms of circuit court in the Seventh Judicial circuit shall be as follows: Terms in seventh circuit.

For the county of Portage, on the first Tuesday in March and second Tuesday in November of each year.

For the county of Marathon, on the second Tuesday of April and on the first Tuesday of October in each year.

For the county of Waupaca, on the fourth Tuesday of May and the second Tuesday of January in each year.

For the county of Wood, on the second Tuesday of May and the first Tuesday of December in each year.

For the county of Waushara, on the fourth Tuesday of March and the third Tuesday of September in each year.

For the county of Taylor, on the first Tuesday of February, and the first Tuesday of September of each year.

For the county of Lincoln, on the third Tuesday in February and the fourth Tuesday in August of each year.

**Terms in ninth circuit.**

SECTION 6. The times for holding the terms of the circuit court in the Ninth Judicial Circuit shall be as follows:

For the county of Adams, the third Tuesday of January and the second Tuesday in June in each year.

For the county of Columbia, on the second Tuesday of May and the second Tuesday in December in each year.

For the county of Dane, on the first Monday after the first Tuesday in April, on the second Monday in November, and on the second Tuesday in July in each year. The said July term is not to be a jury term, but a special term as now provided by law.

For the county of Juneau, on the second Tuesday in March and on the third Tuesday in October in each year; *provided, however*, that this act shall not be held as changing the term of court to be held in Juneau county on the second Tuesday of April, 1877, but said term shall be held the same as though this act had not been passed, by such judge of a circuit court of this state as the governor may assign to hold such term.

For the county of Sauk, on the fourth Monday in September and the third Monday in March in each year.

For the county of Marquette, on the Tuesday after the first Monday in January, and on the first Tuesday in June in each year.

**Provisions of law now in force to apply to third, seventh and ninth circuits.**

SECTION 7. The provisions of law now in force in the Third, Seventh and Ninth Judicial Circuits in relation to special terms, and the proceedings that may be had at such terms, shall apply to said circuits as organized under this act, and in addition thereto, all terms held in the counties of Columbia and Dane shall be special terms for the entire circuit, at which all busi-

ness may be done arising in any county in the circuit which might be done at a general term, excepting the trial of jury cases, local actions, *quo warranto*, and *mandamus* cases not arising in said counties; *provided*, that the general terms of the circuit court in each county shall be a special term for the hearing and determination of all matters arising or pending in any other county in the circuit which under the existing law and practice may be heard and determined at a special term, except the trial of issues of fact.

Special terms for circuits.

SECTION 8. And all orders, findings, judgments and other proceedings, had or made at any special term upon their production, authenticated by the judge, shall be filed, entered or recorded in the office of the clerk of the circuit court in the county where the action shall be pending, or the proceeding arose, and no entries need be made in the office of the clerk of the circuit court of any other county.

How orders, etc., to be filed and recorded.

SECTION 9. Any writ, indictment, recognizance, venire, summons, proof, information, continuance, notice or other proceeding, returnable or taken to or made for any term of court where this act takes effect, in any of the circuit courts of the counties of said circuits shall be taken and held as returnable or taken to, or noticed for, or to be heard or transacted at the term as fixed by this act, nearest in point of time to the term at which it was returnable, or to which it was taken, or for which it was given, as fixed before the passage of this act.

What terms proceedings to be held returnable at.

SECTION 10. All bills of exceptions shall be settled by the judge who tried the cause, notwithstanding the county where it was tried has ceased to be a part of his circuit, and in like manner, and with like effect, and upon the same proceedings as would have been proper if this act had not been passed.

SECTION 11. All laws inconsistent with the foregoing provisions are hereby repealed.

Repealed.

SECTION 12. In case of vacancy in the office of circuit judge in said Ninth Circuit, happening twenty days or more before the first Tuesday of April, 1877, it shall be filled by appointment and election as now provided by law, but if a vacancy shall occur within twenty days of the first Tuesday of April, 1877, or afterwards during the present term ending on the first day of January, 1879, it shall be filled by appointment of the governor, which appointment shall continue for the residue of said term.

How vacancies to be filled.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1877.

[*Published March* 12, 1877.]

## CHAPTER 121.

AN ACT to provide for laying out and establishing a state road from Richland Center, in Richland county, Wisconsin, to Hillsboro, in Vernon county, Wisconsin.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Commissioners to lay out road.

SECTION 1. William J. Bowen, M. H. B. Cunningham and Roger Williams, of the counties aforesaid are hereby appointed commissioners to lay out and establish a state road commencing at Richland Center, in the county of Richland, and running thence by the most feasible and practicable route via the village of Rockbridge, in Richland county, and Dabello, in Vernon county, to Hillsboro, in Vernon county.

Per diem of commissioners.

SECTION 2. Any two of said commissioners may proceed to lay out and establish said road, and upon the performance of said service shall be entitled to receive a per diem compensation not to exceed the sum of three dollars per day for time actually spent in such service, to be paid therefor from the counties through which said road shall pass, in proportion to the length of road in each of said counties; *provided*, that no part of said expenses shall be paid from the state treasury.

Commissioners to file order in office of county clerk.

SECTION 3. After said commissioners shall have laid out said road, they shall within thirty days file in the office of the county clerk of the counties through which said road is laid, their order laying out such road, with a survey and map of the same, and their award of damages or the releases of the same.

How damages to be settled.

SECTION 4. The damages sustained by any person through whose lands such highway shall be laid, may be settled by agreement between the said board of commissioners and such owners or persons, and shall be paid by the town in which the same may be located and the amount so allowed, levied and collected in the same manner as other town charges. Nothing in this section shall be construed to prevent appeals as now provided by law.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1877.

[*Published March* 12, 1877.]

## CHAPTER 122.

AN ACT relating to the bringing of actions against the city of Fond du Lac, and to amend section 42 of chapter 102 of the laws of 1876, entitled "An act to amend chapter 59, private and local laws of 1868, entitled 'an act to incorporate the city of Fond du Lac.'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 42 of chapter 102, of the laws of 1876, is hereby amended so that said section shall read as follows: "Section 42. It shall be the duty of the said judge to swear the persons appointed as commissioners to discharge their duties faithfully and to the best of their ability, and when so sworn to issue to them, under his hand and seal of office, a warrant or order directing them to impartially apportion and assess the compensation awarded to be paid by the report of the jury, confirmed by the county court of Fond du Lac county, specifying the date of such confirmation, which report and order of confirmation shall be attached to the said warrant or order, together with the costs and expenses of the proposed improvement, stating the amount of the costs and expenses, and including all certified to the judge, by the city clerk, and including the commissioners' fees upon the lots, parts of lots, subdivisions, and premises by them deemed benefitted by the proposed improvements, in proportion as they deem the same to be benefited, and to make return of their doings, under said warrant, into the county court of Fond du Lac county, on some day therein to be named, not more than five days from the date of said warrant or order; but in case the commissioners are required to assess benefits for the cost and expenses of the improvement, in addition to the amount awarded as compensation, the warrant shall be returnable at such time as the judge shall fix, not more than thirty days from its date.

Amended.

Duty of judge.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1877.

[*Published March* 9, 1877.]

# CHAPTER 123.

AN ACT to revise, consolidate and amend the charter of the city of Oshkosh, the act incorporating the city, and the several acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

## CHAPTER I.

### CITY AND WARD BOUNDARIES.

Name of city.

SECTION 1. All that district of country in the county of Winnebago, contained within the limits and boundaries hereinafter described, shall be a city by the name of "Oshkosh;" and the people now inhabiting and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the "city of Oshkosn," and by that name capable of suing and being sued in all courts of law and equity.

City boundaries.

SECTION 2. The territory included in the following boundary and limits, shall constitute the city of Oshkosh, to wit: Commencing at a point where the north line of section eighteen, town eighteen, range seventeen east, intersects the shore of lake Winnebago, running thence west along the section line and the continuation thereof, to the center of the Oshkosh and Winneconne highway; thence northwesterly along the center of said highway until it intersects the north line of fractional lot five, section ten, town eighteen north, range sixteen east; thence due west to the produced one-eighth line running north and south through the west half of section fifteen, town eighteen north, (*range eighteen north*), range sixteen east; thence south along said one-eighth line to the southwest corner of the southeast quarter of the southwest quarter of said section fifteen; thence east eighty rods, more or less, to the southeast corner of said southeast quarter of the southwest quarter of section fifteen; thence south to the southwest corner of the southwest quarter of the southeast quarter of section twenty seven, town eighteen north, range sixteen east; thence east to the northwest corner of fractional lot one, of section thirty-six, town eighteen north, range sixteen east; thence south to the southwest corner of said fractional lot one;

thence east to the shore of lake Winnebago; thence northeasterly along the shore of lake Winnebago to the place of beginning.

SECTION 3. The territory included in the following boundaries and limits shall constitute the different wards of the said city of Oshkosh, to wit: Ward boundaries.

First ward. — All that portion of said city lying north of Fox river and west of the center of Main street, and south of the section line on the north side of sections twenty-three and twenty-four, shall constitute the First ward.

Second ward. — All that portion of said city bounded on the south and east by Fox river and lake Winnebago, and on the west by the center of Main street, and on the north by the center of Washington street, shall constitute the Second ward.

Third ward. — All that portion of said city which lies east of a line through the middle of Minnesota street from Fox river to the north line of the southeast quarter of the southeast quarter of section twenty-six (26), of town eighteen north, range sixteen east; thence east to the center of Oregon street, thence south through the center of Oregon street to the south line of the city, shall constitute the Third ward.

Sixth ward. — All that portion of said city which lies west of a line running through the middle of Minnesota street, from Fox river to the north line of the southeast quarter of the southeast quarter of section twenty-six, of town eighteen north, range sixteen east, and south of a line running thence east to the center of Oregon street, and also west of a line through the middle of Oregon street, from Eighteenth street to the south line of the city, and south of Fox river and south of a quarter line running east and west, through sections twenty-two (22) and twenty-three (23), township eighteen (18) north, of range sixteen (16) east, shall constitute the Sixth ward.

Fourth ward. — All that portion of said city lying north of the center of Washington street, and bounded on the west as follows: commencing at the northwest corner of section thirteen, town eighteen north, range sixteen east, thence south to the center of Irving street, thence east to the center of Main street, thence south until it intersects the center of Washington street aforesaid, shall constitute the Fourth ward.

Fifth ward. — All the residue of the said city shall be called the Fifth ward.

## CHAPTER II.

### RIGHTS AND POWERS OF THE CORPORATION.

General powers

SECTION 1. The people now inhabiting, and who shall hereafter inhabit, the district of country described in the preceding chapter shall be a corporation of the name of the "city of Oshkosh," and shall have the general powers possessed by municipal corporations at common and statute law, and in addition thereto shall possess the right and privileges hereinafter specially granted.

## CHAPTER III.

### OFFICERS — THEIR ELECTION AND APPOINTMENT.

In whom power of government vested.

SECTION 1. The power and government of said city and corporation shall be in the mayor and common council, subject to the reservations and exceptions hereinafter expressly contained.

How council composed.

SECTION 2. The common council shall be composed of the mayor and aldermen.

City officers.

SECTION 3. There shall be the following city officers elected annually by the qualified electors of the city at large: a mayor, a city clerk, a city treasurer, and three assessors.

Justices of the peace.

SECTION 4. There shall be elected at the charter election to be held on the first Tuesday in April, 1877, and every two years thereafter, by and from the qualified electors of the First, Second, Fourth and Fifth wards, one justice of the peace, who shall be a resident of one of said wards, and shall hold his office in the First, second or Fourth ward, and there shall be elected at the charter election to be held on the first Tuesday in April, 1878, and every two years thereafter, by and from the qualified electors of the Third and Sixth wards, one justice of the peace, who shall be a resident of one of said wards and shall hold his office in the Third ward. Each of said justices of the peace shall hold his office for the term of two years, and until his successor is duly elected and qualified.

School commissioner.

SECTION 5. There shall be elected at the annual charter election in 1877, one school commissioner from each the Second, Fourth and Sixth wards, and at the charter election in 1878, there shall be elected one school commissioner from each the First, Third and Fifth wards, and so alternately thereafter. Said commissioners shall be elected by the qualified electors of each ward for

their respective wards, and shall be residents of the ward for which they were elected.

SECTION 6. The terms of all such city officers shall be one year, except justice of the peace and school commissioner, which shall be for two years. **Terms of office.**

SECTION 7. There shall be three aldermen from each ward, to be elected by the qualified electors of each ward for their respective wards; two elected at each annual charter election, one for one year and one for two years. The ballots shall designate which alderman is voted for the term of two years. The alderman elected for two years at the last election, shall hold his office for the term for which he was elected. **Aldermen.**

SECTION 8. The qualification of each officer shall be that he is a qualified elector of and in said city. **Qualification of officers.**

SECTION 9. Vacancies in any of said offices shall be filled by the council, except in the office of justice of the peace, which may be filled by special election. **Vacancies.**

SECTION 10. Vacancies so filled, shall be to the next annual charter election, and in case of vacancy in any office filled by an election by the people for the term of two years, the same shall be filled at such election for the unexpired term. **The same.**

SECTION 11. Any person selected or elected for or to any of the aforesaid offices, before entering upon the duties thereof, shall subscribe, take and file with the city clerk an oath that he will honestly and faithfully discharge the duties of his office to the best of his ability; and may be required by the council at any time to give a bond or bonds to the city of Oshkosh, in such penal sum, with such conditions, such surety and qualifications as the council may require, to be approved by the council; and the council may, from time to time, require new, further or additional bonds from any such officer, and upon his neglect to give the same, may remove him from office; *provided further*, that the city treasurer shall not be deemed to have qualified until he shall have given a bond to the city, approved by the council; and *provided further*, that in the discharge of any of his duties he shall not be required and shall not give any bond other than to the city of Oshkosh. **Officers to take oath and give bonds.**

SECTION 12. All such officers shall hold until their successors are duly elected or selected, and duly qualified, except aldermen. **Tenure of office**

SECTION 13. Upon written charges and notice, the common council, by a two thirds vote of all present, may remove from office any such officer for negligence, malfeasance or misconduct in office. The mayor or **Power of council to remove from office.**

city clerk, upon the hearing and investigation by the council of such charges, shall be authorized to administer the necessary oaths to witnesses. Any justice of the peace of the city is authorized to issue subpœnas for witnesses to attend before said council, wherein the city shall be nominally plaintiff, and the party charged, defendant. In case of neglect or refusal of witness to attend and testify, the justice of the peace who issued the process of subpœna, shall have the same power to issue warrant or attachment and punish for contempt by law, as in cases in the justices' courts, where witness refuses or neglects to appear or testify.

When terms of office to commence.

SECTION 14. The term of office of such elective officers shall commence on the first Tuesday next after the annual charter election.

When office deemed vacant.

SECTION 15. If any officer shall fail to qualify, that is to say, to do what is required on his part to qualify, unless prevented by sickness or unavoidable absence, within ten days after notice of his election or selection, given by the clerk officially, his office shall be vacant.

Policemen may act as constables.

SECTION 16. The chief of police and any of the regular police of said city, regularly employed and paid by the city, may become a constable in and for said city by taking the oath and giving the bond required by law for the qualification of constables, the bonds to be approved by the council, said oath and bond to be filed with the city clerk. When such person shall cease to be policeman, he shall cease to be constable.

## CHAPTER IV.

### ELECTIONS.

Annual elections.

SECTION 1. The annual elections for city and ward officers shall be held on the first Tuesday of April of each year, at such places as the aldermen of the proper wards may designate; the polls shall be kept open from nine o'clock until twelve o'clock in the forenoon, and from one o'clock until sundown of the same day; and there shall be given ten days' previous notice, by publication in at least two papers published within the city, of the time and place of holding such election, and the city and ward officers to be elected.

Tie vote.

SECTION 2. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting of lots in the presence of the common council, at

such time and in such manner as the common council shall direct. All votes for elective officers shall be upon one ballot and shall be deposited in one ballot-box.

SECTION 3. All persons entitled to vote for county and state officers, and who shall have been a resident within the ward where they offer to vote for ten days next preceding the time of holding the said election, shall be entitled to vote for any officer elected under this act; a residence shall be construed to mean the place where such elector lodges, and if required shall take the following oath: "I swear (or affirm) that I am of the age of twenty-one years; that I am a citizen of the United States, or (have declared my intention to become a citizen, conformably to the laws of the United States on the subject of naturalization); and have been a resident of this state for one year immediately preceding this election, and a resident of this ward for ten days immediately preceding this election; and I do further swear (or affirm) that I have made no bet or wager, or become directly or indirectly interested in any bet or wager depending upon the result of this election." All persons illegally voting, and all fraud, deceit or corruption at any election under this act, shall be punished according to the laws of this state made and provided for the punishment of illegal voting, fraud, deceit or corruption at any general election. **Qualifications and oath of electors.**

SECTION 4. No person shall be eligible to hold any office mentioned in this act unless he shall be at the time a resident elector of the city, nor shall any person be eligible to any ward office unless he shall be at the time a resident elector of the ward in which such office exists; *and provided further*, that no resident elector of any ward shall be eligible to the office of alderman, school commissioner or fire warden, unless he be a resident freeholder of the ward in which the office exists. **Qualifications of officers.**

SECTION 5. The elections in said city shall be conducted by the aldermen of each ward, who shall be inspectors of election; they shall take the usual oath of affirmation, as prescribed by the general laws of this state for the inspectors of elections, and shall have power to appoint clerks of election, and to administer the necessary oaths. Vacancies in such ward, of inspectors, shall be filled in the same manner as provided by the laws of the state for vacancies on boards of inspectors at general elections. **How elections to be conducted**

SECTION 6. If any person offering to vote at any **Penalty for ille-**

gal voting, and violation of duty as officer of election.

election pursuant to this act shall be challenged as unqualified by any elector, or by one of the inspectors, the inspectors before receiving such vote, shall require the party challenged to take the oath mentioned in section three of this chapter, and if any person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon indictment or information in the circuit court of Winnebago county, shall suffer the penalties prescribed by law for the punishment of perjury. If any person who is not a qualified voter shall vote at any election herein provided for, or if any person shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable, and on conviction thereof shall forfeit and pay a sum not less than twenty-five nor more than one hundred dollars. It shall be the duty of the inspectors to keep a list of names of all persons voting, as well as of those whose votes may be challenged, and who shall swear in their votes, and if any inspector shall knowingly and corruptly receive the vote, or shall make any false statement or return of any election, or shall alter or change any vote, he shall be liable, and on conviction thereof forfeit and pay a sum not less than one hundred dollars, nor more than five hundred dollars. If any clerk shall not write down the name of every voter as he votes at any election under this act, or shall add to or diminish from the poll list kept by him or by his associates, or shall willfully make untrue or incorrect count and tally of votes, he shall be liable, and on conviction thereof, shall forfeit and pay a sum not less than one hundred nor more than five hundred dollars.

Canvass and return of votes.

SECTION 7. When the polls of an election shall have been closed, and the number of votes for such candidate or person voted for shall have been counted and ascertained, said inspectors and clerks shall make a return thereof duly signed, stating therein the number of votes for each person and the office designated, and the whole number of votes cast, and shall deliver such return, together with the oaths of the inspectors and clerks, and the poll list kept by them, to the city clerk, within three days after any election. Within one week after each and every annual municipal election held under this act, the common council shall meet and canvass said returns and declare the result as it appears from the returns, and the city clerk shall, within three days thereafter, give notice to each per-

son elected, of his election. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward, in the same manner, and the returns thereof shall be made in the same form and manner as of annual elections, and within such time as may be prescribed by ordinance. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to qualify and enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein prescribed.

Terms of office.

SECTION 8. All city and ward officers now in office shall hold their respective offices until their successors shall be elected or appointed and qualified under this act; and the term of every officer elected under this act, shall commence on the second Tuesday of April of the year for which he was elected, and shall, unless herein otherwise provided, continue for one year, and until his successor is elected or appointed and qualified. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding the election being first given.

First election.

SECTION 9. The first election of officers under the provisions of this act shall be held on the first Tuesday in April, 1877.

County supervisors.

SECTION 10. Each ward of the city shall be represented in the board of supervisors of the county of Winnebago, by one supervisor; such supervisors shall be elected annually, by the electors of the wards, at the same time and in the same manner as ward aldermen are elected.

## CHAPTER V.

### DUTIES OF OFFICERS.

Duties of mayor.

SECTION 1. The mayor, when present, shall preside over the meetings of the common council and see that the laws of the state and the laws and ordinances of the city are duly enforced, and that all officers of the city discharge their respective duties; he shall from time to time give the common council such information and recommend such measures as he may deem proper and advantageous to the city and shall perform all duties imposed on him by this act, or by the ordin-

ances or resolutions of the common council. It shall be his duty generally to maintain the peace and good order of the city. He shall vote in the common council, only in case of a tie vote. The mayor shall have power to veto any ordinance or resolution passed by the common council, except such resolutions as are by special charters exempted from such veto power and shall have power to command and direct the chief of police and the policemen of the city, at all fires, riots, disturbances of the peace and tumultuous assemblages, and may, for disobedience of his orders, or misconduct of any member of the police force, verbally or in writing, suspend such member of the police force and stop his pay, until the common council shall take final action on the order of suspension.

**President of council.**

SECTION 2. The council at its first meeting in each year, or as soon thereafter as practicable, shall elect one of its members president, who, in the absence of the mayor from its meetings, shall preside; and who in case of the absence of the mayor from the city, or his inability to discharge the duties of his office, for any reason, or in case the office of mayor shall become vacant, shall act as mayor, and discharge all the duties of his office. If both mayor and president are absent from any meeting of the council, the council may elect a temporary president; and while acting in their respective capacities shall have the power and discharge the duties of mayor, and shall be styled "acting mayor."

**Duties of city clerk.**

SECTION 3. The clerk shall keep the corporate seal and all papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; he shall keep an accurate and detailed account of the financial condition of the city and of each ward as the common council prescribe; he shall so keep the books of said city that every subject of taxation shall be entered under its proper head, as state, county, schools, bridges and the like; he shall make copies of assessments of the city when required by the common council and shall make and complete all tax rolls; he shall also keep an accurate account with the city treasurer and charge him with all taxes levied and sums paid into the treasury; he shall make out a list of all outstanding city bonds and coupons, to whom, when and where payable; he shall report as often as the common council shall require, an estimate of the expenses of the city and of the several wards, and of

the revenue necessary to be raised for the current year; and shall countersign all contracts made in behalf of the city, and unless they be so countersigned they shall have no validity. He shall countersign all orders drawn on the city treasurer by order of the common council, and shall keep a correct record of the same. He shall, *ex officio*, be clerk of the board of education, clerk of the board of public works, clerk of the board of health, and clerk of the board of assessors. He shall attend the meetings of such boards, and keep a correct record of the proceedings thereof; he shall file in his office all chattel mortgages presented to him for that purpose and safely keep the same, receiving therefor the same compensation as clerks of towns, and all chattel mortgages so filed shall be as valid and legal as if the same had been filed in any town clerk's office in any town; and copies of all papers filed in his office, and transcripts from the records in his office, and of the common council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. The clerk shall have power and authority to administer oaths and affirmations.

**Duties of city treasurer.**

SECTION 4. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council may direct; all money of whatever description, raised by tax, license, fine, penalty, forfeiture, or otherwise, for city purposes, shall be paid into the city treasury. He shall collect all taxes and assessments which may be levied or assessed upon the real and personal property in the city, and exercise the same powers, when not prescribed by this act, as control and govern treasurers of towns, and shall be subject to the same liabilities; *provided*, that he shall receive no fees for his services, except such salary as shall be paid him by the city. He shall pay all orders drawn upon the treasury by order of the common council, or as is otherwise authorized, out of the proper funds. He shall report to the common council quarterly, a full and detailed account of all receipts and expenditures after the date of the last quarterly report, which statement shall be filed with the city clerk; and at the expiration of his term of office, shall hand over to his successor all moneys, books, papers and property in his possession, belonging to said city. The books kept by said treasurer, shall be open to inspection by any person, at all reasonable times.

Duties of city attorney.

SECTION 5. The city attorney shall conduct all law business of said city, and the departments thereof, and all other business in which the city shall be interested, when so ordered by the common council; he shall furnish written opinions upon subjects submitted to him by the mayor or council, or any department of the corporation; it shall also be his duty to draft all ordinances, bonds, contracts, leases, conveyances and such other instruments in writing as may be required by the common council, and to perform such other duties as may be prescribed by the ordinances of the city or by any resolution of the common council.

Duties of city surveyor.

SECTION 6. The city surveyor shall be a practical surveyor and engineer; he shall keep his office at some convenient place within the city, and the common council shall prescribe his duties and fix his fees and compensation for any service performed by him. All surveys, plans, profiles and estimates made by him for the city, shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of all parties interested; and when required by the common council, he shall file copies of plans, profiles and estimates with the city clerk, and all books and papers appertaining to said office shall be delivered over by the surveyor, at the expiration of his term of office, to his successor or the common council.

Duties of chief engineer.

SECTION 7. The chief engineer of the fire department shall in all cases have control of the different fire companies of the city, their engines, steamers and fire apparatus, and also the direction and control thereof, when called out on duty, subject only to the control of the common council; he shall see that the engines, steamers and apparatus of the fire department are kept in perfect order and readiness for immediate use, and cause all necessary repairs to be made, without letting the same by contract, and report the same to the common council for approval and allowance; he shall use his utmost endeavors in preventing and subduing fires and controling the firemen thereat; he shall perform such other and further duties as are prescribed in other provisions of this act and by the ordinances of the common council.

Street superintendent and salary of same.

SECTION 8. The aldermen of each ward may have power to appoint some suitable person to act as street superintendent for their ward, who shall receive such compensation for his services as the aldermen aforesaid shall provide, to be paid out of the ward fund of the

respective wards for which he is appointed, and be subject to the control and discretion of said aldermen, and subject to removal by the aldermen of the ward for which he was appointed.

Duties of superintendent of schools.

SECTION 9. The superintendent of schools shall be *ex-officio* president of the board of education, and in case of a tie shall give the casting vote; he shall have the superintendence of all public schools, school houses, books and apparatus; he shall visit all schools as often as his duties will require, and pay special attention to the clasification of the pupils in the several schools, and to the apportionment among the classes of the prescribed studies; he shall carefully observe the teachings and discipline of all teachers employed in the public schools, and shall report to the board whenever he shall find any teacher deficient or incompetent in the discharge of his or her duties; he shall attend all meetings of the board of education, when required, and shall keep the board constantly informed of the condition of the public schools, and the changes required in the same.

Duties of chief of police.

SECTION 10. The chief of police shall attend all meetings of the common council, and shall perform such duties as shall be prescribed by this act, or by any ordinance of the city, for the preservation of the peace, for the health of the city, and the collection of fines and license money; he shall possess the powers of a constable, at common law or by the laws of this state, and shall receive like fees and be subject to the same liabilities; it shall be his duty to execute and return all writs and process to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city or law of this state, may pursue and serve the same in any part of the state of Wisconsin; he shall, under the direction of the mayor, be chief executive of the police department; he shall repair to all fires, riots and tumultuous assemblies, take charge of the police present, and use every exertion to protect property, disperse mobs, and cause to be arrested all persons engaged in disturbing the peace; to apprehend any person in the act of committing any offense against any ordinance of said city or the laws of this state, and within reasonable time bring such person before competent authority for examination; he shall have power to direct the policemen to any place where he shall deem their services necessary; he shall promptly report to the mayor all complaints against the policemen, and cause to be obeyed all rules and

regulations prescribed for the police department; and, he or some policeman appointed by him, shall be keeper of the watch house, and keep the keys thereof.

Duties of policemen.

SECTION 11. It shall be the duty generally of all policemen appointed by the common council, to faithfully perform such duties as shall be prescribed by the ordinances, laws and resolutions of the common council for the preservation of the public peace and health of the city, and they shall possess all common law and statutory power of constables; they shall faithfully abide by all ordinances prescribing the manner and extent of their duties, and the time in which duties are to be performed; they shall perform the duties of night watchmen for the city, if required, under such regulations as the common council shall prescribe.

Peace officers and duties of same.

SECTION 12. The mayor, sheriff of Winnebago county, each and every alderman, justice of the peace, chief of police, policeman and constable, shall be officers of the peace, and suppress in a summary manner, all riotous and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if need be of all citizens and military companies; if any person shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of fifty dollars. It shall be lawful for the mayor, any alderman, chief of police, every policeman or constable of the city, to arrest forthwith any person who shall be drunk, disorderly, riotous, or doing any act which shall by this act be construed to be a misdemeanor, or by warrant to arrest any person whom they or any of them shall find committing any violation of the laws or any ordinance of the city, and to take such person before a justice of the peace of the city, or if it be out of office hours, or for any other good reason an examination cannot be had, to confine such person so arrested in the watch house, until such time as an examination can be had.

Duties of fire wardens.

SECTION 13. The several fire wardens of the city shall examine as to the construction of all chimneys, fire-places, hearths, stoves, stove-pipes, ovens, smoke-stacks, boilers and fire apparatus used in and about any building, and shall have power to prevent the improper construction thereof; and may cause them to be removed and placed in a safe and secure position. They shall prevent the depositing or keeping of ashes or any combustible material in any place except such as is safe; and they shall perform other and such further duties as may be ordered or prescribed by the common council.

SECTION 14. The justices of the peace, elected under this act, shall have the same jurisdiction and perform all duties of justices of the peace as provided by the general laws of the state, except that their official bond shall be approved by the common council; and they shall hold their offices at such places as the common council shall designate; and in addition thereto they shall have jurisdiction in all cases arising under the ordinances and laws passed by said city, unless otherwise provided. Jurisdiction and duties of justices of the peace.

SECTION 15. The three assessors elected under this act shall constitute the board of assessors, and shall in all things pertaining to their office, so far as practicable, be governed by such laws as assessors in the several towns in this state. Within ten days after qualifying, it shall be the duty of the assessors of the several wards to organize into a board of assessors, by electing one of their number chairman, who shall be authorized to administer such oaths as shall be authorized by this act; and within such time as the common council shall designate, the said assessors shall make out a complete and accurate assessment roll, and perform such other and further duties as are prescribed by this act, or shall be required by any ordinance or resolution of the common council. Any assessor who shall neglect to perform the duties of his office, or shall use any partiality in assessing the property of any individual, corporation or association, in anything pertaining to his office, shall, upon conviction, suffer and pay a penalty of not less than one hundred or more than five hundred dollars, at the discretion of the court before whom conviction is had. Duties of board of assessors.

SECTION 16. The aldermen of each ward of the city shall constitute a board of aldermen for their respective wards, two of whom shall be a quorum to act, whose meetings shall be held at the office of the city clerk. The city clerk shall be clerk of the board of aldermen. No alderman shall be a party to or interested in any job or contract with the city or any of the wards, except he may act as street commissioner, and be paid for such services, and any contract in which any alderman shall be so interested shall be null and void; and in case any money shall have been paid upon any such contract, the common council may sue for and recover the amount so paid from the parties to such contract and the aldermen interested in the same. Boards of aldermen.

SECTION 17. The common council shall have power, whenever deemed necessary, to appoint an inspector, Inspectors of boilers.

whose duty it it shall be to inspect all boilers, engines and other apparatus deemed dangerous to life, used in and about any shop, manufactory or other building in the city, to examine the same and to report whether they are in a safe and secure condition; and for that purpose said inspector shall have authority to enter into any shop, manufactory or building in said city; said inspector shall receive such fees as the common council shall prescribe, to be paid by the owner or lessee of the engine, boiler or other such apparatus so inspected; and if said inspector shall report that any engine, boiler or other apparatus is in an unsafe or dangerous condition, the owner or lessee thereof shall immediately place the same in a safe and secure condition, and for every day's neglect to repair the same, while running such engine, boiler or other apparatus, such owner or lessee shall forfeit and pay a fine of not less than twenty nor more than one hundred dollars.

**Printing and publication.**

SECTION 18. The common council shall, at the first regular meeting of the new council in each year, or as soon thereafter as may be, order the city clerk to advertise for proposals for all the printing and publication necessary to be done by the city, except as otherwise provided herein; and said printing and publication shall be let to the lowest bidder, who shall be styled the city printer; *provided*, that said printing shall be let to the printer of some newspaper published in the city. The city printer or printers, immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution.

**Further duties of officers.**

SECTION 19. The common council shall have power from time to time to require further and other duties of any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by the common council; such compensation shall, by resolution, be fixed at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the time such officer shall remain in office.

**Penalty for refusal to deliver**

SECTION 20. All city officers, at the termination of

their office, shall immediately deliver to their successors in office all property, money, books, papers and effects of every description, in their possession, belonging to the city or pertaining to the office they may have held; any person who may have held an office, neglecting or refusing so to do, shall forfeit and pay to the use of said city, one hundred dollars, besides all damages caused by such neglect or refusal, and such successor may recover the possession of such books, papers, and effects in the manner prescribed by the laws of the state for other officers.

Books, etc., to successor.

SECTION 21. The mayor of the city of Oshkosh shall be *ex-officio* a member of the county board of supervisors of the county of Winnebago, and shall have and exercise the same power and privileges in said board as other members thereof are entitled to, and shall be paid the same compensation for his services as may be paid to any other members of the board.

Mayor to be member of county board of supervisors.

SECTION 22. Nothing herein contained shall be so construed as to change or interfere with the term of office of any officer now holding office in said city, but the term of all such officers shall continue the same as if this act had not been passed.

Terms of present officers.

## CHAPTER VI.

### COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 1. The mayor and the aldermen shall constitute the common council, and the style of all ordinances shall be "The mayor and common council of the city of Oshkosh do ordain," etc. The majority of the aldermen elect shall constitute a quorum. The common council shall annually meet on the second Tuesday of April, after the annual municipal election, at the council rooms in said city, and at such other times as they by resolution shall appoint. The mayor or a majority of the common council, for any good reason, may call special meetings by a notice to each of the members, to be served personally or to be left at their usual place of abode. The common council shall determine the rule of its own proceedings, and be the judge of the election and qualification of its members.

Meetings of common council.

SECTION 2. At the first meeting of the common council, or as soon thereafter as may be, the following officers shall be appointed by the common council: president of the council, superintendent of schools, city attorney, city surveyor, chief engineer, chief of police and policemen, inspector of hay and wood, sealer of

Appointment of officers at first meeting of council.

weights and measures, for the city at large; one fire warden for each ward of said city, and such other officers as the interests and welfare of the city may require.

When ordinances to take effect.

SECTION 3. Every ordinance or resolution of the common council (excepting those prescribing rules for their government and the appointment of officers) shall, before it takes effect, be presented to the mayor by the clerk. The mayor, if he approves of it, shall sign it, in which case it shall take effect immediately thereafter, unless otherwise provided for in the resolution or ordinance. If he does not approve of it he shall return it, with his objections in writing, to the city clerk, within five days after he shall have received it. The common council may then proceed to reconsider the same, and if two-thirds of all the members elect shall agree to pass the same, it shall take effect as law. In every such case the vote shall be taken by ayes and noes, and be entered upon the records of the proceedings. If such ordinance or resolutions shall not have been returned by the mayor within five days after he shall have received it, it shall take effect in like manner as if he had signed it; *provided*, that before such ordinances or resolutions shall be in force, they shall be published in the official paper of said city, and shall be recorded by the city clerk in books provided for that purpose. But before any of said ordinances or resolutions or by-laws shall be recorded, the publication thereof respectively may be proven by affidavit, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

General powers of council.

SECTION 4. The common council shall have the control and management of all the finances, and of all the property of the city; and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws, for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of trade, commerce and health thereof, and as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of law; *provided*, that they be not repugnant to the constitution and laws of the United States or of this state,

and for these purposes shall have authority, by ordinances, resolutions or by-laws:

1st. To manage and regulate the finances, and to regulate, preserve and dispose of the property, real and personal, belonging to the city. Finances.

2d. To adopt all legal and requisite measures for levying and collecting taxes and assessments. Taxes.

3d. To license and regulate the exhibitions of common showmen or shows of any kind, or the exhibition of caravans, circuses, theatrical performances, billiard tables, and bowling saloons, and grant licenses for the selling of spirituous or fermented liquors, ale or beer, and to revoke the same for a violation thereof; to prescribe the amount to be paid for such license, and the time when such license shall expire; and may require of all persons applying for a license for the sale of spirituous, vinous or fermented liquors, ale or beer, a bond in such penal sum and with such provisions as the common council shall direct; *provided*, that no person so licensed shall give away or sell spirituous, vinous or fermented liquors, ale or beer, on election days or Sundays. Shows, etc.

4th. To license and regulate cartmen, runners, porters, hack, cab, truck, omnibus and stage owners and drivers, and all carriages or vehicles used for the transportation of passengers, merchandise, goods or articles of any kind, common criers, hawkers, peddlers, pawnbrokers and auctioneers; to prohibit non-licensed persons from acting in either of such capacities, and to require the owners to mark and number the drays, carts, carriages or vehicles, in such manner as the common council shall designate. Cartmen, runners, etc.

5th. To license, regulate and prohibit slaughter houses and markets, for the sale of fresh meat, fish, fruit, vegetables and provisions, and to prohibit the building or making the same, except at such places as the common council shall designate; to establish public markets and other public buildings, and to provide for their erection, and to determine their location and make rules for the government of the same; to appoint officers for regulating and overseeing such markets and public buildings, and to restrain all persons from interfering with or interrupting the due observance of such rules and regulations. Markets.

6th. To license and regulate the sale or storing of gunpowder or other combustible substances, and to prohibit the erection of buildings therefor, except at such places as the common council shall designate. Combustible substances.

Wood, hay, etc.

7th. To regulate the sale, and select places for the sale of wood, hay, straw, grain or other articles from wagons, sleighs or other vehicles, and to fix the fees for weighing and measuring the same.

Pounds, wells etc.

8th. To make and establish public pounds, pumps, wells, fountains, cisterns and reservoirs, and to prescribe the manner of draining fountains made by individuals, companies or corporations, and the heighth which such fountains shall be raised or lowered, and constructing of sewers, gutters and ditches; to erect lamp posts and to provide for lighting the streets, public grounds and public buildings, with gas or otherwise.

Fire department.

9th. To establish a fire department within the city and prescribe the duties of officers and members thereof.

Precautions against fire.

10th. To regulate the construction of chimneys and smoke stacks, and the cleaning thereof; to prevent the setting up or to require the removal of stoves, pipes, boilers and ovens deemed dangerous; to prohibit or regulate the deposit of ashes; to authorize any city officer, or any person designated by them, to inspect any place or places to ascertain whether the same are in safe condition, and if not, to require the same to be made so.

The same.

11th. To regulate the carrying on of manufactories dangerous in causing or promoting fires; to extend and define from time to time the grounds to be enclosed in the fire limits; to require, regulate or prohibit all such other acts to be done as they may deem proper to prevent the occurrence, or to provide for the extinguishment of fires.

Squibs, etc.

12th. To prohibit or regulate the firing of guns, pistols, squibs, crackers, fireworks, bonfires, the ringing or tolling of bells, blowing horns, crying of goods at auction or otherwise.

Impounding of animals.

13th. To restrain and prohibit the running at large of all cattle, horses, sheep, swine, geese, or other animals; to impose penalties upon the owner or owners thereof, and to regulate the impounding and sale of the same for penalties and costs; to prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance.

Removal of unwholesome substances.

14th. To prevent any persons from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon

his premises, any such substance, putrid or unsound beef, pork, fish, hides or skins, vegetables or other unhealthy, noxious substance or matter, and on default, to author.ze the removal thereof by some competent officer, at the expense of such person or persons.

15th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, brewery, distillery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as they may deem necessary, for the health, comfort and convenience of the inhabitants of the city, and to abate and destroy all nuisances. **Nuisances.**

16th. To grant by ordinance the right of way through any street or over any bridge of the city, to any corporation proposing to build thereon street railroads, the cars thereon to be propelled by horse power; and to grant them rights and privileges under such limitations and conditions as they may direct, and to regulate the running of the same, and to regulate, prohibit and control the running of engines and cars through the city, and the rate of speed of the same; to prevent horse racing, fast driving or riding in the streets, and to cause persons riding or driving at an immoderate pace in the streets to be stopped; to punish and prohibit the abuse of animals; to compel owners or drivers to fasten their horses, oxen or other animals while standing or remaining in the street. **Street railroads**

17th. To control and regulate the manner of erecting brick and stone walls for buildings, and the thickness of the same, and to prohibit the construction or require the removal of any such as they may deem dangerous to life or injurious to property, and prescribe penalties for the violation of such rules and regulations; to raze or demolish any building or structure which by reason of fire or any other cause, may become dangerous to life or health, or may tend to extend a conflagration. **Erection of buildings.**

18th. To prevent the encumbering of streets avenues, alleys, highways, sidewalks and crosswalks with railway cars, locomotives or engines, carriages, carts, wagons, sleighs, boxes, lumber, firewood, or any other substances or materials whatever, to compel the owner or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets, alleys, avenues and highways opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the chief of **Encumbering of streets.**

police shall direct, and, in default of any such owner or occupant, to authorize the removal or destruction thereof by the chief of police at the expense of such owner or occupant, and to collect the expense thereof by fine, or in an action in the name of the city against the owner or occupant, as hereinafter provided.

Erection and removal of buildings, etc.

19th. To prevent or regulate the construction of any stoop, step, platform, bay window, cellar door, arrear stairs, descent or ascent into any building, any sign post, erection, or projection from any building or otherwise, in, over, and upon any street or sidewalk, or the removal of any building or house through the city, and to prevent and punish for the building, placing, or removing of any house or building on any street, alley, lane or avenue, or any public place, park or square.

Grading of lots.

20th. To direct the digging down and filling up of lots, wherever they shall deem the same to be necessary to prevent injury to the streets, side or crosswalks, or to the adjoining property at the expense of the owners thereof, and to prevent, prohibit and cause the removal of all obstructions and encumbrances in and upon all wharves, streets, lanes, alleys, sewers, gutters, ditches, streams and public squares, and the throwing of dirt, filth, rubbish or other things in and upon the same.

Sidewalks.

21st. To prevent the riding or driving of any horse, mule, cattle, hogs, sheep or any other animal or animals on the sidewalks in said city, or in any way doing any damage to said sidewalk; to prevent the hitching of horses, teams, oxen or cattle, to any fence, tree, lamppost or pump, and to prevent any injury to the same.

Piers, etc.

22d. To regulate the construction of piers, wharves, and docks extending into lake Winnebago and on the Fox river within the limits of said city, and to prescribe and control the prices to be charged for wharfage or pierage thereon.

Streams.

23d. To prevent persons from placing in any of the streams in or adjacent to said city, any putrid carcass, or other unwholesome substance.

Contagious diseases.

24th. To make regulations to prevent the introduction and dissemination of contagious or infectious diseases within the city; to provide a hospital for the reception and care of persons sick with such diseases.

Cemeteries.

25th. To provide and make regulations for cemetery grounds, within or without the city limits, and to do all acts and make all regulations that may be necessary or expedient for the preservation of health and the suppression of disease.

26th. To establish the assize and weight of bread and to provide for the seizure and forfeiture of bread baked contrary thereto. **Bread.**

27th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures. **Weights and measures.**

28th. To suppress and restrain disorderly houses, houses of ill fame, the playing of cards or games of chance, gaming tables, places where liquor is sold to be drank, the keeping of ardent spirits and other intoxicating drinks, except by persons duly licensed, and to destroy all implements and devices used in gaming. **Suppression of disorderly places.**

29th. To restrain and punish vagrants, mendicants, street beggars, drunken persons, prostitutes, keepers of houses of ill fame persons giving away any strong, spirituous liquor, wine or beer, to any person; to prevent the selling or giving away of liquors, spirituous or vinous, any ale or beer, to any person whom the common council shall designate. **Vagrants.**

30th. To restrain drunkards, immoderate drinking, or obscenity, in the streets or public places; to provide for arresting, removing and punishing any person who may be guilty of the same. **Drundenness.**

31st. To prevent and punish all persons engaged in riotous or disorderly conduct, and to prevent disturbances or disorderly assemblages. **Disorderly conduct.**

32d. To prohibit or regulate swimming or bathing in the waters in and around the city. **Bathing.**

33d. To purchase grounds for, and lay out and maintain public parks, encourage and regulate the planting, removing, trimming and preserving of ornamental and shade trees in the streets of the city, and also upon the parks and public grounds of the city. **Shade trees.**

34th. To erect and establish a watch house for the confinement of disorderly, drunken or riotous persons or vagrants and to purchase or lease all necessary grounds, and pass all such ordinances for the regulation thereof as may be necessary, and to appoint a keeper and as many assistants as may be necessary. **Watch-house.**

35th. To make, ordain and pass ordinances, by-laws for the police, and to enforce such rules for the observance of laws, ordinances, and regulations of the city watch-house or county jail of Winnebago county, or both, in the discretion of the magistrate or court before whom conviction may be had; *provided*, that such fine shall not exceed one hundred dollars, and such imprisonment shall not exceed three months. **Ordinances.**

36th. To establish and regulate boards of health, **Board of health.**

regulate the burial of the dead, and returns of the bills of mortality, and to exempt burial grounds set apart for public use from taxation; and may also appropriate money annually, not to exceed the sum of five hundred dollars, for the benefit of the poor of the city.

Highways, streets, etc.

37th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, alleys, keep them free from incumbrance and protect them from injury, to alter or change the name of any street within the city, to alter or vacate the recorded plat of said city or any part thereof surveyed, platted or recorded in the office of the register of deeds of Winnebago county, upon petition and upon such notice as is required in vacating towns by the circuit court.

Removal of encumbrances.

38th. To require any building, fence or other erection built or placed within the line of any street or highway within the city, to be removed therefrom by the owner or occupant thereof, and in case of his neglect or failure to remove the same, to cause the removal at the expense of the owner or occupant, to require the summary removal or abatement of all nuisances or substances likely to become such from any street, lot or building within the city.

Trees and monuments.

39th. To provide by ordinance for the protection of trees and monuments in said city.

What to be deemed nuisances.

SECTION 5. The powers conferred upon the said common council to provide for the abatement or removal of nuisances shall not bar or hinder suits, proceedings or prosecutions in the courts according to law. Depots, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill frame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold, without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Power of council to establish wharves and docks.

SECTION 6. The common council shall have power by ordinance to establish wharves and dock lines upon the banks of Fox river and Lake Winnebago, within the limits of said city, restrain and prevent encroachments upon said river and lake, and obstructions thereto, and to construct, and alter, maintain or cause to be constructed, altered and maintained at the expense of the city, or any of the wards, wharves along the banks of said river and lake.

Council to

SECTION 7. The common council shall examine

audit and adjust the accounts of the city and ward officers or agents at such times as they shall deem proper, and also at the end of each year and before the time for which the officers are elected or appointed shall have expired, and the common council shall require each and every such officer and agent to exhibit his books, funds and moneys, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the order of said council, in discharge of said duties in pursuance of said section, or shall neglect or refuse to render his accounts or present his books, funds, moneys and vouchers to the said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and institute proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties; and the common council shall cause to be made a full record of all such settlements and adjustments.

**Settle with city officers.**

SECTION 8. The common council shall have authority by ordinance to provide that any and all persons who shall be found guilty of the violation of any city ordinance for drunkenness or for being an inmate or frequenter of a house of ill-fame, or for disorderly conduct, and shall neglect or omit to pay any fine or costs imposed therefor, that such person or persons shall work out such fine and costs upon the public streets of said city, or shall do any other work that such city may have or wish to be done, and the compensation therefor, to be fixed by the council, shall be deducted from such fine and costs thereon. And the council may pass the necessary ordinance to carry out the provisions of this section.

**Council may provide for labor by prisoners.**

SECTION 9. The common council shall have authority to build bridges over the Fox river, in the city, or to make the necessary repairs on any of the bridges in the city over Fox river, and to provide for the payment of the same. The council, instead of collecting the whole amount in the next tax roll thereafter, may, in their discretion, issue the bonds of the city for a part or the whole amount, payable in five, or less, equal annual payments, the same not to draw to exceed ten per cent. interest per annum; *provided*, that not more than ten thousand dollars shall be made payable or collected by tax in any one year. To make any such appropriation shall require the affirmative vote of a majority of all the aldermen elect.

**Council may issue bonds to build bridges.**

Erection of water-works.

SECTION 10. The common council may, by ordinance, build, erect, construct, complete and maintain in the city, water works, with or without steam engines to run the same, may set the engines in the Fox river, lake Butte des Morts or lake Winnebago, and run pipes therefrom through the city underground and above ground, or may build waterworks by sinking artesian wells and fountains, and making reservoirs, and may purchase patented rights for patent waterworks, may rent the use of the water to residents and provide for the collection of the rents, impose fines and penalties for the care and protection of the water and waterworks, do all the common council may deem necessary to be done in the premises, to supply the city and residents thereof with water by ordinance; *provided, however*, that no such ordinance to build waterworks shall be valid and binding until the same shall be submitted to the vote of such of the qualified electors of said city as shall be freeholders, which may be done at a regular or special election called for that purpose by a two-thirds vote of the common council. At least two weeks' notice thereof shall be given, and if a majority of the qualified electors voting shall vote in favor of such ordinance to build waterworks, the common council may raise the whole or part of the money required by the ordinance, or to build the waterworks, by special tax, or by inserting the same in the annual tax roll, or may raise the whole or part thereof by issuing the bonds of the city therefor, and selling the same, which bonds shall be made payable in twenty years (or less number of years), equal annual payments, not to draw to exceed eight per cent. interest payable annually.

Regulation of sales at auction

SECTION 11. The common council of the of the city of Oshkosh are hereby authorized and empowered, by ordinance, to regulate the sale of any goods, wares, merchandise, or any other property, at auction, in said city of Oshkosh, and may prohibit the sale thereof at auction within the limits of said city, by any person without having obtained a license therefor; and may also require any auctioneer so licensed to sell to make reports, verified by him, in manner and form, and at such time or times or upon the demand of any officer or employé of said city, as shall be designated and provided by any ordinance of said city, and may require such auctioneer, so licensed, to pay for such license the fee hereinafter prescribed, and also the percentum upon all gross sales by him made, as hereinafter prescribed; viz: for each license to any inhabitant and resident of

said city, a fee not to exceed one hundred dollars for one year; for a license to any non-resident of said city, a fee not to exceed one hundred and fifty dollars per year, and may exact and require such auctioneer to pay on the gross amount of all sales by him made a sum not exceeding two per centum, except as hereinafter otherwise provided, upon all sales made by a non-resident auctioneer, of the following class or described articles, goods, wares, merchandise and property, viz.: clothing, wearing apparel, hats, caps, mittens, gloves, cloths, groceries, dry goods, books, stationery, pictures, picture frames, furniture and jewelry; millinery goods, boots shoes, drugs, medicines, paints, oils, iron, tin, steel, sheet iron, stoves, hardware of every kind, and including all goods, wares, merchandise and other property usually sold or kept for sale in clothing stores, hat and cap and fur stores, drug stores, paint and oil stores, grocery stores, dry goods stores, millinery stores or shops, boot and shoe stores, iron, tin, or hardware stores or shops, may exact and charge upon gross sales, a sum not to exceed ten per cent. on a dollar, upon the gross sales, and upon the same articles, goods, wares and merchandise sold by a licensed resident auctioneer, and which is not the *bona fide* property of such licensed resident auctioneer, or of a *bona fide* inhabitant and resident of said city, may be exacted and charged a sum not exceeding ten per centum upon the gross amount of sales; and that any property belonging to a non-resident which may be sold or transferred to any resident auctioneer, or an inhabitant and resident of said city, for the purpose of, in any wise, avoiding or evading the provisions of any such ordinance, or in which any such non-resident shall retain any interest, shall be liable to pay such ten per centum on a dollar on all gross sales, and may require such licensed auctioneer to give a bond to said city in such penal sum, with a surety or sureties, prescribing the qualifications thereof, and requiring the same to qualify, and conditioned for the faithful compliance with the provisions of such ordinance, with such other conditions as may be deemed necessary for the faithful enforcement of such ordinance. No license shall be issued for a longer time than for one year, and may provide that no license shall be issued for less than one year. When the term resident, or the term inhabitant resident is used herein, it shall be and mean and include any person who is and has been for three months immediately preceding, an actual *bona fide* inhabitant and resident of said city;

**Licensed auctioneer to give bonds.**

the term nonresident shall mean and include any person who has not been an actual *bona fide* inhabitant or resident of said city for three months immediately preceding the issuing of any such license or the sale of any goods, wares or merchandise or property at auction. The term licensed resident auctioneer, or resident auctioneer, shall mean and include any person licensed, who has been an actual *bona fide* inhabitant and resident of said city for three months immediately preceding the granting of his license. The term nonresident auctioneer shall mean and include any person to whom a license is granted, who has not been an actual *bona fide* inhabitant and resident of said city for three months immediately preceding the issuing or granting to him of a license, and may provide that in any license issued, that it may be designated whether the person is a resident or nonresident auctioneer, and that the person accepting the same shall be bound and estopped by such license, and shall have only the rights and privileges of the class of auctioneers herein named or designated; *provided, however*, that nothing in this act shall prohibit or affect in any manner sales at auction, in the cases specified by section one of chapter fifty-four (54) of the revised statutes, entitled "Of auctions and auctioneers," all license fees, per centum on sales, to be paid to city treasurer for the benefit of the city.

## CHAPTER VII.

### FINANCES.

**Custody of moneys.**

SECTION 1. All moneys, credits and demands belonging to the city and wards of Oshkosh, shall be deposited with and kept by the city treasurer, and shall, except the school fund, be under the control of the common council, and shall be drawn out only upon the order of the mayor and city clerk, duly authorized by a vote of the common council: *provided*, that the school fund shall be drawn out as provided by the provisions of this act. All orders drawn upon the treasury may be payable generally out of any funds in the treasury belonging to the city, except the school fund; and all orders drawn upon the treasury of the city shall be made payable to the person in whose favor they may be drawn, or bearer. All such orders shall be received in payment of any city taxes levied and assessed, except for school purposes.

**Limit of taxes to be levied.**

SECTION 2. The common council of said city may levy annually upon the taxable property of said city,

to defray the current expenses of said city as follows: For ward purposes a tax not exceeding seven mills on each dollar of taxable property of the respective wards, as shown by the assessment roll of the year; and for all other city purposes, except for schools, a tax not exceeding eight mills on each dollar of taxable property of said city, as shown by the assessment roll of the year.

SECTION 3. The common council shall cause to be levied annually upon the taxable property of said city, such sum or sums of money as the board of education shall determine and certify as necessary to be raised for defraying the current expenses of the public schools of said city; *provided*, that the sum or sums so levied in any one year shall not exceed the sum of two thousand dollars over and above the amount levied in said city for the current expenses of the previous year. School taxes.

SECTION 4. The common council shall cause to be levied annually upon the taxable property of said city, such sum or sums of money as the board of education shall determine, and certify to be necessary for the purchase of school houses, sites or for the building or repairing of school houses, and that the amount so levied in any one year shall not exceed the sum of five thousand dollars. Tax for purchase and repair of school buildings.

SECTION 5. All moneys levied and raised for the purpose of defraying the current expenses of the public schools, or for the purchase of sites for school houses, for the building of the same, shall, after they are so collected, constitute one fund, subject to the control of the board of education, for school purposes in said city. All moneys raised by this act for school purposes shall be paid to the city treasurer, who shall be accountable therefor in the same manner as for other moneys of said city. School fund.

SECTION 6. All moneys coming into the hands of the city treasurer by any provisions of law, by gift or otherwise, for the use and benefit of the public schools of said city, shall be placed by him to the credit of the board of education of said city; and such moneys shall not be paid out by him except upon an order drawn upon him by the president of said board and countersigned by the clerk thereof; and no such order shall be drawn except by resolution of said board, which order shall be made payable to the person or persons entitled to receive the same. School fund to be placed to credit of board of education.

SECTION 7. No debt shall be contracted against the city, or certificate of indebtedness be drawn upon the Majority of council to appropriate money.

city treasury, unless the same shall be authorized by a majority of all the members elect of the common council, and a vote authorizing the same shall be entered by ayes and nays upon the journal of the common council, and no money shall be appropriated or debt contracted for any purpose whatever, except such as [is] expressly authorized by this act.

Treasurer to make report.

SECTION 8. Correct accounts of all moneys, credits and demands received into the treasury, all moneys paid upon orders for expenditures, or for the payment of any debt, and of the transactions in the office pertaining to the city finances, debts and credits shall be kept in books by the city treasurer, and at the termination of his office, and at such other times as the common council shall require, the treasurer shall make a correct report in detail of all receipts and expenditures, with proper vouchers, and the same may be published in the official paper and recorded with the city clerk.

Forfeitures, etc., to be paid into city treasury.

SECTION 9. All forfeitures and expenditures accruing to the city for any violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses shall be paid into the city treasury, and become a part of the general fund, except as otherwise provided by this act.

Accounts to be verified.

SECTION 10. Any account or demand against the city, before acted upon or paid, the council may require the same to be verified by affidavit, except salaries and amounts previously fixed or determined by law, and any person who shall falsely swear to any such account or demand shall be deemed guilty of perjury, and shall be punished according to law.

Insurance companies to pay per centage.

SECTION 11. All corporations, companies and associations not incorporated under the laws of this state, engaged in this city in effecting fire insurance, shall pay to the city treasury at the rate of two per cent. upon the amount of all premiums which shall have been received or shall have been agreed to be paid for any insurance effected or agreed to be effected on any property within the city limits by or with such corporations, companies or associations respectively. Such amount shall be paid for every six months preceding the first days of January and July of each year.

Agents of insurance companies to make statement.

SECTION 12. Every person who shall act as agent or otherwise for or on behalf of any such corporation, company or association, on or before the first day of January in each year, shall render to the clerk of said city a full, true and just account, verified by his oath,

of the premiums which, during the half year (ending on the first day of January and July preceding such report) shall have been received by him, or any other person for him, or shall have been agreed to be paid for or in behalf of any such corporation, company or association.

SECTION 13. Upon the report of any such agent or person mentioned in the preceding section, the city clerk shall immediately assess and adjust the whole amount of the per centage chargeable against such corporation, company or association; and within five days thereafter such agent or person shall pay into the treasury of said city the amount so assessed and adjusted.

City clerk to assess per centage.

SECTION 14. If any agent representing any such corporation, company or association, against which insurance rates are chargeable by virtue of this act, shall refuse to make report or pay the rates prescribed by this chapter, at the time or times herein mentioned, such corporation, company or association so in default, and the agent thereof, shall be deprived from doing or transacting any business of insurance in said city until the said requisition shall have been complied with. Any person or agent violating any of the provisions of this chapter shall be liable to a penalty of not less than ten and not more than one hundred dollars in the discretion of the court before which conviction is had; said percentage may also be recovered of said corporation company or association, or its agent, by action in the name and for the use of said city, as for money had and received.

Penalty for violation.

SECTION 15. The insurance percentage so received, as provided by this chapter, shall be appropriated for the benefit of the fire department of said city.

Insurance per centage to go to fire department.

SECTION 16. The aldermen of any ward shall certify to the common council any debt contracted by such ward for the current year, and thereupon the said council shall (if such debt be a proper claim against such ward) allow such debt, and direct the mayor and clerk to issue to the proper person, orders of the city to the amount of the debt allowed; *provided*, that said council shall in no case allow any such debt if such allowance will cause the whole amount of orders so issued to meet the indebtedness of such ward to exceed the amount of tax which may be levied and collected under the provisions of this chapter to meet the expenses of the current year, assuming as a basis the tax list of such year then made out, and if not, then the tax list of the preceding year.

Aldermen to certify to ward indebtedness.

Limit of ward indebtedness.

SECTION 17. No alderman of any ward shall contract debts against such ward in any one year to an amount greater than the amount of tax which, under the provisions of this chapter, may be levied in such ward to meet the current expenses of the year, and if any alderman shall so contract debts to a greater amount than such tax, neither such ward nor the city shall be liable for the same, but the alderman so contracting shall be liable therefor, as if the debt had been originally contracted by such alderman personally; *provided*, that no alderman shall be held liable as aforesaid, without proof of his assent as alderman to the contracting of the debt or liability of the ward.

No debts not authorized by council to be contracted.

SECTION 18. No officer of the city, or member of the board of education, or any other person shall have power, and each and every person is hereby prohibited from making any purchase or contracting any debt on the part of the city, unless specially authorized by the common council or board of education so to do; and no account, claim or demand against the city shall be audited, allowed or paid by the common council or board of education, unless the same is duly authorized by a vote thereof.

Aldermen personally liable for debts contracted.

SECTION 19. In case any alderman shall purposely vote for any appropriation, or for the payment or expenditure of any money not authorized by this act, or in case the common council shall authorize any expenditure for any purpose not authorized in this act, or exceeding the amount they are authorized to raise for any purpose in such year, the alderman voting for any such appropriation or expenditure, or for the contracting of any such debt or debts, shall be personally liable to the city of Oshkosh, in an action in a court of competent jurisdiction, for any damage the city may sustain in consequence of such illegal payment, expenditure or appropriation.

Amounts to be specified in appropriations.

SECTION 20. All resolutions adopted by the common council or the board of education, authorizing the expenditure of money, shall appropriately specify the amount to be expended, the purpose for which the same is to be expended, and no extra or additional compensation shall [be] allowed or paid on any contract or to any officer, person or persons, for any services or work done or materials furnished to or for the city.

Council may borrow money.

SECTION 21. The common council, for city or ward purposes, to pay current expenses, or to pay any debt past due, may borrow from time to time such sum or sums of money as they may deem advisable; *provided*,

that they shall not pay to exceed ten per cent. per annum interest, and that the same shall not be payable at a later date than the first day of February next after the date when such loan or loans are made; proper evidence thereof, by way of note or otherwise, may be given, which shall be signed by the mayor or the acting mayor and city clerk, under the seal of the city. The amount so borrowed shall be inserted in the tax roll next after the same is borrowed, with other taxes.

## CHAPTER VIII.

### ASSESSMENT AND COLLECTION OF TAXES.

Duty of assessors.

SECTION 1. The assessors shall assess all taxable property in said city, and shall make out the annual assessment roll for said city, in accordance with the general laws of the state relating to the assessment of property and the duties of assessors. Immediately after such assessment roll is equalized, the same shall be verified by the oath of each of said assessors as required by law, and the said assessment roll, or a copy thereof, shall be deposited with the city clerk. All taxes shall be collected in the manner prescribed by the laws of this state.

Assessment of property for taxation.

SECTION 2. If the board of assessors, when making this assessment, shall discover any tract, piece or parcel of land in said city, was omitted in the assessment roll of the preceding year, and was then liable to taxation, they shall, in addition to the assessment of such tract, piece or parcel of land, for that year assess the same separately, for such preceding year that it shall have been so omitted, at the fair and just value thereof, when the same should have been so assessed in such preceding year, noting distinctly the year when such omission occurred, and that the same was omitted, and the reason, if any, why the same was omitted, and such assessment shall have the same force and effect as it would have had if made in the year the same was omitted, and taxes to the amount that should have been levied and paid in the year such omission occurred, shall be levied and collected thereon in like manner, and together with the taxes of the year in which such assessment is made, and such lands shall be subject to taxes so omitted to be assessed in whosoever hands they may come. And if the board of assessors when making any assessment shall discover that, through the fraud, accident, mistake or negligence of any person or persons, officer or officers, in making

out, copying or transcribing any tax, tax roll or assessment roll for the preceding year that any tract, piece or parcel of land has been inserted in such tax or assessment roll for the preceding year at a less valuation than fixed upon by the board of assessors, or board of review, for such preceding year, or that the amount or value of the aggregate valuation of personal property liable to taxation, of any person or persons, corporation or corporations as fixed by the board of assessors or board of review for the next preceding year, has been altered or changed to a less amount or value than the amount or value as fixed by the board of assessors or board of review for such preceding year, by or on account of the fraud, accident, mistake, or negligence of any person or persons, officer or officers, in making out, copying or transcribing any tax, tax roll or assessment roll of such preceding year. That the board of assessors shall deduct the value of such piece, tract or or parcel of land, or the amount or value of such personal property as it appears from the assessment roll or tax roll of such preceding year, from the true amount or value as fixed by the board of assessors or board of review for such preceding year, and shall in addition to the assessment of such tract, piece or parcel of land for that year, or in addition to the assessment to or of such person or persons, corporation or corporations, assess the said piece, parcel or tract of land, or such person or corporation the amount and value of the difference as so fixed the preceding year by the board of assessors or board of review, and the amount or value as it appeared on such assessment roll or the roll for such preceding year, noting distinctly in the assessment roll the year when such alteration was made, and the amount or difference caused or made by such alteration; and taxes to the amount that should have been levied and paid on the same, shall be levied and collected thereon in like manner and together with the taxes of the year in which such corrected assessment is made, and shall have the same force and effect. And all such lands, or pieces or parcels of land shall be subject to such taxes in whosever hands they may come, and all persons and corporations shall be liable to pay such taxes so assessed on such personal property, and such taxes shall be collected in the same manner as other taxes. As soon as said tax shall be levied, the common council shall cause the same to be copied in a book provided for that purpose, setting opposite to each tract of land and each person named,

**Board to deduct value of property.**

**Taxes to be relevied.**

such sum or sums as may be levied upon such lot or against such person; the said copy shall be designated as the tax roll, and to it shall be appended a warrant, signed by the mayor and clerk and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments in said roll specified. Such tax roll before being delivered to the treasurer, shall be compared by the clerk with the assessment roll, and to it he shall append his certificate that the same has been so compared by him, and that the said assessment roll and the whole thereof has been copied with such tax roll, and when so certified shall be *prima facie* evidence that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

When treasurer to collect taxes.

SECTION 3. Upon the receipt of the tax list by the treasurer, he shall proceed to collect the taxes and assessments of said city at the same time as is required by law of town treasurers to collect taxes.

Treasurer to publish notice.

SECTION 4. The city treasurer shall, upon the receipt of the tax list, publish a notice in the official paper of the city, specifying that all taxes and assessments, whether upon real or personal property in said tax list, shall be paid on or before the last day of December of said year, and that all taxes and assessments not paid by that day will be collected by the seizure and sale of the goods and chattels of the person, company or corporation charged with such taxes and assessments, and the publication of such notices shall be deemed and taken to be a demand, and failure to pay the taxes and assessments within the time limited in such notice shall be deemed a refusal to pay the same. The city treasurer shall charge no fees for collection of taxes and assessments paid to and collected by him prior to the first day or January of each year, and shall charge and collect five per cent. upon all taxes and assessments paid to and collected by him after that date; *provided*, that the common council shall have power to extend the time for collecting such taxes, not exceeding thirty days from the expiration of original warrant.

Delinquent tax list.

SECTION 5. In case no goods or chattels shall be found, out of which to collect the taxes, on any lot or lots or other pieces of land or property, it shall be his duty to make out a list of all of the property and taxes remaining unpaid at the time required by law; and the list so made with his affidavit thereto attached, stating that the taxes therein contained had not been collected

and that he had not been able to find goods and chattels out of which to collect the taxes, shall be called the "delinquent list," and it shall be his duty to deliver such delinquent list to the treasurer of the county of Winnebago, at such time as is required by law; and he shall at the same time pay over to the county treasurer of Winnebago county, all moneys collected by him belonging to said county, and all taxes belonging to the state of Wisconsin in the same manner as required by law of town treasurers.

County treasurer to return money and certificates to city treasurer.

SECTION 6. It shall be the duty of the county treasurer of Winnebago county, and he is hereby required, when lots, tracts, pieces or parcels of land have been returned by said city treasurer for any general tax of the state, or for any tax or assessment authorized under the provisions of this act, immediately after the sale of the said delinquent lots, tracts, pieces or parcels of land by him, to pay to said city treasurer the amount which may have been returned delinquent belonging to said city either in cash or in certificates of sale of said tracts lots, pieces or parcels of land so returned as delinquent.

Informality not to affect validity of tax.

SECTION 7. All directions hereby given for the assessment of lands, and levying and collection of taxes and assessments, shall be deemed only directory, and no error or informality in any of the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or affect the validity of the tax so assessed.

How assessments to be carried out.

SECTION 8. In all cases by the provisions of this act, any charge or assessment shall be carried out on the tax roll in a separate column or columns, opposite to the lot or tract upon which the same may be a lien. The treasurer shall collect or do all other acts in regard thereto in the same manner as in the collection of other taxes.

Duty of city treasurer.

SECTION 9. The said city treasurer shall keep in a book, to be provided for that purpose, a true account and statement of all fees by him received as city treasurer, from any source whatsoever; and the same shall be paid by him into the general fund of said city for the benefit of the city, and such books shall at all times be open to inspection by the mayor or common council, or to any committee appointed by the common council; and the said city treasurer, when required by the common council, shall make a report, under oath, of all fees by him received as such city treasurer.

## CHAPTER IX.

### IMPROVEMENT OF STREETS, ALLEYS, ETC.

SECTION 1. The aldermen shall have the power in their respective wards to establish, alter and change the grade of any street, sidewalk, alley or lane in their respective wards; *provided*, the same is approved by ordinance or resolution of the common council. **Grade of streets**

SECTION 2. The aldermen of the several wards shall have the power in their respective wards, to order the construction or repair of sidewalks on or in any public street or along the side thereof, and cause them to be lowered or raised, and prescribe the kind and manner of construction, the grade thereof, and the foundation upon which the same shall rest, at the expense of the lot fronting or abutting on such sidewalk, or through or on which the same may in whole or in part run or be situated. **Construction and repair of sidewalks.**

SECTION 3. The aldermen shall also in their respective wards, have power and authority to grade, gravel, plank, or pave with any kind of pavement, or construct or fix with any kind of material, any street or alley in their respective wards, and construct and dig all necessary ditches or gutters, and charge the cost and expense thereof to the center of the street or alley, to any lot or lots fronting or abutting on such street or alley, when such improvement is ordered by the common council, after the following requirements, viz.: when the proposition for such improvement shall be approved or recommended by a majority of the aldermen of the ward or wards in which it is proposed to be made, and presented at a regular meeting of the common council, and the same shall be approved or ordered at some subsequent regular meeting thereof, at least thirteen days intervening, by the common council, which proposition may be in general terms, and the council may change, alter, modify or fix the same or the terms thereof, or when the same is ordered by the common council, which it shall have power to do upon the petition of the owners of a majority of the frontage of the land fronting or abutting upon such part or parts of any such street or alley which it is proposed so to improve at the expense of such lots; *provided*, that the aldermen of any ward shall grade, dig all necessary gutters or ditches on any street in their respective ward at the expense of such ward, for the purpose of graveling, planking or paving such street, at the ex- **Construction and repair of streets.**

pense of the lot or lots fronting or abutting such improvement.

Proceedings when expense of improvement is chargeable to adjoining lots.

SECTION 4. When any such improvement shall be made at the expense of the lots, as provided by sections 2 and 3 of this chapter, the following shall be substantially the mode of proceedings: First. The aldermen of the ward or wards in which the improvement is proposed to be made, shall file in the city clerk's office, or cause to be entered in a record book in said office, a plan or specification of the work to be done, which shall not be required to be more specific than is necessary to inform parties interested of the work to be done; and such plan and specification may refer to any mark, stakes, stones or other monuments, and which may be made a part thereof. Second. By personally serving upon the owner or owners of such lots, or in lieu thereof, publishing in the official paper of said city (if any there be, if not, then in some newspaper published in said city), at least ten days before such work is required to be done or improvement made, a notice signed by the clerk, officially, requiring the owner or owners of such lots to do such work or make such improvement as per such plans and specifications, by a day certain, therein to be named, and may also insert in the same notice that on a day therein to be named, to be not less than six days from the last date, that the aldermen of said ward will let the contract to do all such work or make such improvements as shall not have been done or made, as so required or ordered, and that sealed proposals will be received accordingly. Such notice served or published, need not specify the lots or blocks or land by numbers, figures, letters, or by metes and bounds, but may specify that all the lots or parts of lots, parcels or strips of land fronting or abutting on such street or alley, upon a particular side thereof, between certain points. The aldermen may reject any bid if they think it is not for the interest of the ward and parties interested.

How work to be let.

SECTION 5. If no satisfactory bid or bids are received to do such work or make such improvements, then the aldermen may contract with some person to do the whole or any part thereof, or such aldermen for their ward may do such work in whole or in part, all the cost or expense thereof chargeable to such lots and lands as aforesaid, and as herein provided. The aldermen may require any bidder *instanter* to give a satisfactory bond with satisfactory surety, for the faithful performance of the contract on his part. In letting

any such work or improvements, different kinds of work may be let to different persons, or the material required may be let separately from the work.

**Construction and repair of sewers, drains, etc.**

SECTION 6. Sewers, drains, gutters or ditches may be ordered, dug, made or repaired, by the aldermen in their respective wards, at the cost, charge and expense of the lots which they may deem benefited thereby, and they shall apportion such cost, charges and expenses among and on such lots, in such proportion or amount as they respectively shall deem the same benefited thereby; *provided*, that no portion thereof shall be assessed upon any land outside of the ward of the aldermen ordering the same. Such work or improvement may be done by the ward or let out by contract to some third party.

**Building and repair of drains.**

SECTION 7. Whenever a sewer or drain is to be so built or repaired, which runs in more than one ward, or one which it is proposed to charge the cost of construction upon lots situate in more than one ward, or when it is proposed to so improve a street or establish the grade of a street which is located in different wards, then the same shall be done in the same manner under the order and directions of the aldermen of the wards in which any lots are situated, that are so assessed or charged therefor, or in which grade of street is established, but is hereby understood that the above refers to the aldermen of the wards only in which such lots to be so charged, the part or parts of the street to be so graded or so improved are situate; *provided*, however, in such case it shall require a majority of the aldermen of each of such wards to act, and in such cases all orders, entries and proceedings may be made or kept in the ward book of either of such wards, or in any separate book that the clerk may provide.

**When council may order construction of sewer or drain.**

SECTION 8. When a sewer or drain is needed, running in or through different wards, and the aldermen of the wards cannot agree to order its construction, the same may be ordered by the council; and when, in the construction of any sewer or drain, the cost of which is assessable or chargeable upon property in different wards, and the aldermen cannot agree upon such assessment, then such assessment may be made by the council.

**Sidewalks chargeable to adjacent lots.**

SECTION 9. A sidewalk across an alley and passageway into the street shall be built at the expense of the lots abutting such alley, to be apportioned thereon, or such portion thereof, and in such proportions, by the aldermen, as they shall deem the same respectively benefited.

Lots liable for improvement of streets.

SECTION 10. Lots shall be liable, as in this chapter provided, for the improvement of the streets to the center of street on which they abut or join, and corner lots for all sidewalks up to the crossings or crosswalks.

Crosswalks, drains and sewers to be constructed and kept in repair by wards.

SECTION 11. The ward shall construct and keep in repair all cross walks, drains or sewers across the street from sidewalk to sidewalk, or on that portion used for a public street, exclusive of what is used or may be wanted for sidewalks, and also that portion of the street lying between the crossing where streets intersect.

How charges against lots to be collected.

SECTION 12. When work is done or improvement made, which under this chapter are chargeable to lots as aforesaid, the aldermen of the proper ward shall give to the contractor or person doing or performing the same, or his assigns, a certificate countersigned by the clerk for the amount due him, and containing a description of the land to which the same is chargeable, which certificate shall be transferable by endorsement, and shall draw interest at the rate of fifteen per cent. per annum from date of issue, (provided the same is not paid within twenty days from date), until the same is inserted in the tax roll, as hereinafter provided; and if the amount thereof and interest shall not be paid before the clerk makes out the annual tax roll, next after the date of its issue, the clerk shall insert and assess the amount thereof with interest, as aforesaid, to the time of its being so inserted in the tax roll, upon and against the lot or parcel of land described therein, in such tax roll, and as a part of the tax against such lot, and the same shall be collected as other taxes and assessments for the benefit of the holders of such certificates respectively, and when any such work is done or improvement made by the ward or wards, the same shall be inserted in the tax roll, and collected in like manner; *provided, however*, that in no case shall the city be liable for the amount of such certificate or any part thereof, unless the same has been actually paid into the city treasury; and the sale of such land therefor shall not be regarded payment, and the same shall not be regarded as paid until the parties interested shall have actually redeemed such lots from such sale.

When grading of streets to be charged to lots.

SECTION 13. When in grading any street, the cost of cutting or filling in front of any lot shall be, in the opinion of the aldermen of the ward in which the same is done, greater than such lot is benefited, the aldermen may apportion a portion of such cost among

and on such lots, and in such proportion or amount as they may deem to be benefited thereby, as is herein provided for the building of sewers, and upon property in different wards in like cases, as is provided in the construction of sewers.

When expense payable out of ward fund.

SECTION 14. When in the construction of any street, drain or sewer, if from deep cutting, digging or filling, or any cause or reason the aldermen are of the opinion that the same in whole or part should be paid out of the ward or wards' fund, then the same may so in whole or in part be paid; *provided, however*, that no portion thereof shall be paid out of the fund of any ward without the consent of the aldermen of such ward.

Sidewalks to be kept in repair at expense of lots.

SECTION 15. All sidewalks shall be kept in repair, and clear and free from all obstructions at the expense of the lot adjoining or abutting thereon, and of the owner or owners thereof, and in case the owner or occupant shall fail to keep such sidewalk in repair, and clear and free as aforesaid, the aldermen of the ward may cause the same to be done and charge the expense thereof to such lots respectively; *provided, however*, that no sidewalk shall be so repaired at the expense of the lot, when the cost of such repair shall exceed one-half of the cost of a new sidewalk of the kind in front of such lot, except in the same manner as required for the building of a new sidewalk; *provided, however*, that if a sidewalk on or in front of any lot shall become injured or destroyed by the burning of any building or property, and the same shall not within a reasonable time be repaired or rebuilt by the owner of such lot, the aldermen may repair or rebuild such sidewalk at the expense of the lot without notice or letting to the lowest bidder.

Abatement of nuisances.

SECTION 16. When the aldermen of any ward shall deem any lot injurious to public health, by reason of stagnant water, or from other causes, they may order that such nuisance be abated, by draining or filling such lot, or in any other manner, by the owner or occupant, and upon their failure to do so, such aldermen may abate or cause to be abated, at the expense of such lot, by taking the same proceedings as are required for the building of a sidewalk.

When work done by wards.

SECTION 17. When a ward or wards shall do any work or make any such improvement or make any repairs, or do any other work or labor as provided in this chapter, which shall be a lien or charge upon any lot, a like certificate as is provided to be issued to contractors or other persons, may be issued to such ward

or wards, and be collectable in the same manner; or the aldermen of the ward or wards which are entitled to the same, may make a statement or statements and file the same with the city clerk, of the amount or amounts due to such ward or wards for doing any such work or labor, or making any each improvement, and the amount chargeable to each lot, which amount the clerk shall insert and add to the tax chargeable to such lot in the annual tax roll, issued next after the filing of such statement, and the same shall be a lien thereon and collectable as other taxes.

**Assessments may be made at any time.**

SECTION 18. If for any cause any tax or assessment chargeable to any lot under the provisions of this chapter, shall not be entered or assessed against such lot at the time therein provided, then the city clerk may enter or assess the same against such lot in any subsequent tax roll.

**When there is patent right upon improvement ordered.**

SECTION 19. When any improvement is ordered to be made, and there shall be a patent right upon the same, or any portion thereof, the city before giving the notice required to make such improvement, shall purchase the right to use the same in making such improvement, and the letting shall be upon such basis. The cost thereof shall be divided *pro rata* upon the lots chargeable with the improvement, according to the frontage improved. The contractor shall pay the city such portion thereof as shall be due upon the work by him to be done, and the amount by him paid shall be added to the other charges, and inserted in the certificate. If the owner of the lot shall do the work, he shall pay the city his *pro rata* share thereof as aforesaid. If any ward or wards do any portion of the work, then such ward or wards shall pay the city their share thereof on such work, and the ward or wards shall collect the same out of the lot or lots chargeable therewith, the same as other charges for work. If the owner of any lot does the work or makes the improvement, and shall fail to pay the city the proportion of the purchase money chargeable to such lot for the use of such patent right, then the city may charge the amount against said lot.

**Order of aldermen may be changed by council.**

SECTION 20. An order made by the aldermen of any ward or wards fixing or changing the grade of any street, may be revoked, altered, changed or modified by the council. Any order made by the aldermen of any ward or wards, changing or fixing the grade of any sidewalk, or directing the building of any new sidewalk, may be revoked, altered, changed or modified by

the common council at any time within ten days after the same is made.

SECTION 21. There may be kept in the city clerk's office a book or books for each ward wherein may be entered by the clerk or aldermen of the respective wards all orders, entries or proceedings required to be done or had under any of the provisions of this act, or any other matter appertaining thereto, or to ward matters, and a like book may be kept for the entry of all proceedings and orders when anything is done by different wards together as herein provided, in doing any work or making any improvements of any kind. And there may be entered in such book or books any fact or item appertaining to such proceedings, and as to the service or publication of any notice required by law to be served, given or published, and that any act was done by the aldermen or clerk in making any improvement, and that a notice was served, given or published as required by law in certain proceedings, or to carry out any order or requirement on the part of the aldermen without stating the contents of such notice, and in addition thereto may be entered that due proof of the service or publication of any notice has been made and filed in his office, or there may be pasted in or attached to such book a written or printed or partly written and partly printed copy of any notice or proceeding, which shall be admitted in evidence in all courts the same as the original would be entitled to be, and there may also be entered in such book such other matter as may properly appertain to any ward matters. It shall not be necessary for the aldermen to sign any order, memorandum or other entry in any such book, or in lieu thereof, any such orders or proceedings may be signed by the aldermen of the respective wards and filed in the city clerk's office. And such book or books or any of them, shall be received and admitted in evidence in all courts, in any proceedings whatever, and shall be *prima facie* evidence and proof of all entries, memorandum, facts, items and matters and things therein contained. And the said orders and proceedings shall be received in evidence in like manner and with like effect. **Record of proceedings to be kept.**

SECTION 22. Any and all certificates made by the aldermen of any ward or wards of any act done or notice given, served or published under the provisions of this chapter, shall be received and admitted in evidence in all courts of this state, and shall be prima facie evidence of all the facts therein contained, and that such **Certificates of aldermen to be admitted as evidence.**

acts were done and proceedings had, and such notice served or published as therein certified to. And all proceedings had under the provisions of this chapter or attempted to be had under the same, shall in all courts be deemed presumed and taken to have been regular, and it shall be taken and presumed that all the provisions of this chapter were complied with until the contrary is shown.

When assessments adjudged void.

SECTION 23. If any taxes or assessments chargeable to any lot under any of the provisions of this chapter in any suit shall be adjudged void, in whole or in part for any irregularity in the proceeding or non-compliance with any of the provisions thereof, the court in which said case was tried shall, any time within one year after such judgment, upon the application of the owner of such tax and assessment and a defendant in such suit, cause an issue to be made up between such owner and defendant and the plaintiff, wherein such plaintiff shall be defendant and such owner and defendant plaintiff, as to the value of such improvements and whether the same were made in good faith, and if the jury find that such improvements were made in good faith, the court shall judge the value thereof as found by the jury, to be a lien upon such lot, with costs of suit on such issue, and execution may issue on such judgment, directing the sale of such lot, to pay the same and costs of sale, and the same shall be sold as other real estate is sold on execution. At any time within eight months after such sale, a redemption can be made therefrom, as on the sale of real estate upon other execution, by the payment of the amount for which it was sold together with ten per cent. interest thereon from the time of sale.

Taxes declared void may be reassessed.

SECTION 24. When any taxes or assessments chargeable to any lot, under any of the provisions of this chapter, shall be set aside or declared void, in whole or in part, by any court, by reason of any irregularity in any of the proceedings, or the non-compliance with any of the provisions of this act or of the charter of said city, or in ordering or letting the work, or making contracts in relation thereto, the city council, at any time within two years after the same are declared void, at the request of any party interested in said tax or assessment, may order such tax or assessment so declared void, to be recharged or assessed against said lots respectively, and collect the same as any other taxes or assessments; *provided*, however, if the party avails himself of the remedy to finalty provided by section 23 of

this chapter, he shall be deemed to have waived his remedy under this section.

SECTION 25. If the city shall be subjected to any damages hereafter occasioned, in consequence of any sidewalk or street being out of repair or not in safe condition, such ward in which said defective street or sidewalk is situated shall be liable to the city for all damages, costs and expenses which such city shall be subjected to, and such damages, costs and expenses may be assessed by the common council upon the taxable property of the ward in which such defective sidewalk or street is located and collected the same as other city taxes. If any ward shall be subjected to any tax, in consequence of any damages done or permitted by the occupant of any lot to any sidewalk or street on which it abuts or fronts, occasioned by digging in the street, driving over the sidewalk or by permitting snow to accumulate on the walk, such occupant shall be liable to such ward for all damages, costs, expenses and taxes which such ward shall be subjected to, and such damages, costs, expenses and taxes may be recovered by such ward in a court of competent jurisdiction, by a suit in the name of the city of Oshkosh, and against such occupant. Liability of wards for damages.

SECTION 26. All real estate shall be liable for the taxes and assessments provided for and authorized to be assessed in this chapter, in manner and form aforesaid, including any real estate belonging to any county or the state of Wisconsin. All real estate liable to assessment.

SECTION 27. All the provisions of this chapter shall be regarded as directory, except the provision of giving notice as aforesaid, and if such notice is given as herein required, no informality or irregularity or error in the proceedings shall vitiate such assessment or taxes. Informality not to vitiate proceedings.

SECTION 28. The city shall not be liable to or for any damages arising or growing out of any sidewalks, streets, drains, sewers, gutters or ditches or bridge in said city being in a defective or dangerous condition or out of repair unless it be shown that previous to the happening of the same one of the aldermen of the ward in which the same is located had knowledge thereof, and no knowledge of such condition of the same shall be presumed, unless the defect out of which the same occurred existed three weeks before such damages accrued; *provided, however*, that nothing herein contained shall be so construed as to mean that knowledge is to be presumed because such three weeks had elapsed. When city may be made liable.

SECTION 29. Wherever the word lot or lots is used, What deemed as lots.

it shall be deemed to include parts of lots, parcels and strips of land, or any other subdivision of land. And where the word alley is used, it shall be deemed to include all lanes; and where the word street is used, it shall be deemed to include highways. And wherever the word "aldermen" is used in connection with any ward matter it shall be understood to mean a majority of the aldermen of the ward. And all the provisions of the Revised Statutes relative, "of the construction of statutes," shall apply to all the provisions of this chapter.

How things to be done by council.

SECTION 30. Anything required to be done under any of the provisions of this chapter by the common council, may be by order, resolution or ordinance.

Streets to be kept in repair by wards.

SECTION 31. All streets heretofore or hereafter, once graveled, paved or planked at the expense of the property fronting, adjoining or abutting thereon, such street, so far as the same has been graveled, paved or planked (except sidewalks), at the expense of the property on the street, to be so maintained and kept in order at the expense of the ward such street or streets are located in. All the taxes therefor, made necessary to be levied and collected the same as ward taxes upon the taxable property of the ward in which such street is located, anything in this chapter or charter to the contrary notwithstanding.

Contracts to be made in name of city.

SECTION 32. All written contracts to be made under this chapter shall be executed in the name of the "city of Oshkosh," and signed by the aldermen or a majority of the aldermen of the ward in which the work or improvement is situated of one part, and signed by the contractor of the other part. All verbal contracts to be executed in like manner in the name of the city; and all bonds which may be required of contractors to secure the performance of such contracts shall be made and executed to the city.

Certificates to apply in payment of taxes.

SECTION 33. The certificates issued under this chapter on the property therein described in such certificate for work or improvements, shall be received by the county treasurer of Winnebago county, on sale of land for unpaid or delinquent taxes for the same year and tax named in the street improvement certificates for the land therein described, and to be held by the county until the land is redeemed; and in case the improvement tax should be set aside, or the tax certificate of sale issued by the county treasurer cancelled by judgment of court or otherwise, then the holder or legal representative of such certificate of sale issued by the

county treasurer shall receive the street improvement certificate (so received by the county treasurer) from the county, for its face, in payment of any claim against the county for the amount of such tax and charges named in the street improvement certificate for which the land was sold.

## CHAPTER X.

### OPENING AND LAYING OUT STREETS AND ALLEYS.

Power of council to lay out streets, alleys, etc., and to take property therefor.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen or straighten or extend the same as follows: Whenever ten or more freeholders of the city shall petition the council to take certain lands for public use, for any of the purposes aforesaid, and shall specify therein with reasonable certainty, the courses and distances, metes and bounds of the land proposed to be taken, and the names and residences of the owners of such premises, so far as the same can be ascertained, and deposit with the city clerk the fees hereinafter prescribed for the expenses of ascertaining whether it is necessary to appropriate such property for such public purposes, the common council may, if they are of the opinion that the public interest demands that the request of such petition be granted, in whole or part, cause notice of such application to be given by publication of a notice thereof in the official paper of the city; if there be none, then in some paper published in said city, of at least four weeks, at least once in each week; *provided*, however, that if the land required by the petition to be taken shall be so taken, in whole or in part, such money shall be refunded to the petitioners, and such costs shall be assessed with the damages upon the real estate benefited, as hereinafter provided.

What notice to contain.

SECTION 2. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge or a court commissioner for the county of Winnebago, for the appointment of twelve jurors to view said premises and to determine whether it will be necessary to take the same for the purpose specified in said petition.

Jury to be selected to view premises to be taken.

SECTION 3. Upon the presentation of such application, and upon the proof of the publication or service of the notice hereinbefore required, the said judge or

court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city but not residents of the ward in which said premises may lie, nor interested in said premises. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises, to be specified in said precept, and to make returns under their hands to the common council whether, in their judgment, it is necessary to take said premises for the purposes specified in said application.

Chief of police to serve precept.

SECTION 4. The chief of police shall serve this precept immediately on the jurors therein named by reading the same to every one of them that can be found, and immediately after such service he shall return said precept to the judge or court commissioner who issued the same, together with the doings thereon.

Substitution of jurors.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the judge or court commissioner may appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Judge to administer oath to jurors.

SECTION 6. The said judge or court commissioner shall thereupon administer an oath to said jurors, that they are freeholders of said city and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trusts reposed in them, which said oath shall be filed in the office of the city clerk.

Duty of jurors.

SECTION 7. The said jurors shall, at such time as they may agree upon, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oath to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceeding, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited in said precept, or when ordered by the council. Should the jurors report that it is necessary to take said premises, the common council shall enter an order among their proceedings confirming said report, and directing the same jurors, within twenty days

thereafter, or such further time as shall be necessary, to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of said property proposed to be taken, and also what lands or premises will be benefited by such taking, and to assess and return within the time limited such damages and benefits to the common council; and after the jurors shall have made their reports as to the taking of any lands or premises under this act, and the same shall have been confirmed, the judge or court commissioner who may have issued the precept, as provided in section 3 of this chapter, shall have power to appoint new jurors in place of any who shall neglect or refuse to serve; and the jurors, before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent officer that they are freeholders of said city and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them, which oath shall be filed in the office of the city clerk, and the judge or court commissioner, who may have issued the precept as provided in this chapter, shall have power to issue a warrant or attachment against any juryman, who shall neglect or refuse to serve, wherein the city of Oshkosh shall be nominal plaintiff, and such juryman or jurymen defendants, and compel the attendance of such juryman and punish him for contempt in the same manner as jurymen are punished by law in the courts of record for contempt, and also the said judge or court commissioner shall have power to issue subpœna for witnesses to attend before such jury, and issue attachment and punish for contempt in case of neglect or refusal of witness to appear and testify before the jury, in the same manner as in case of neglect and refusal of jurymen, and all the costs and witness' fees are to be added in with the expenses of the jury.

**Further duties of jurors.**

SECTION 8. The said jurors within the time limited shall view and examine the premises proposed to be taken, and all such other premises as in their judgment will be injured or benefited thereby, and receive and hear such testimony as they may deem necessary in the premises, and thereupon determine and apportion and award to the owner or owners the value of the real estate proposed to be appropriated, and the injury to them respectively as damage after making due allowance, which such owners respectively may derive from such improvement. If there are any buildings in par

or whole upon the land proposed to be appropriated, the jury shall assess separately the value thereof, less what its value will be if removed from the land appropriated, and of the removal which the owner will necessarily be obliged to make of the same: and if there is any interest in such property as lessee or otherwise less than an estate in fee simple and not in the nature of a lien by mortgage or judgment, mechanic's lien, or a lien for taxes or assessments, the jurors shall estimate separately the damage which the owner or owners of such interest shall sustain thereby, and in estimating the damage sustained by the owner, the same shall be deducted therefrom. In awarding damages as aforesaid, the jurors shall not be compelled to award the same to any person or company by name, but the same may be awarded to the owner or owners of the property appropriated or injured, or to the party or parties interested therein.

**When damages greater than benefits, or *vice versa*.**

SECTION 9. If the damages to any person be greater than the benefit named, or the benefit be greater than the damages, in either case the jurors shall strike the balance, and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall in any case be collectable of them or payable to them.

**Jury to assess damages.**

SECTION 10. Having ascertained the damages and expense of the said improvement as aforesaid, the jurors shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefit resulting thereto from the proposed improvement, as nearly as may be, and shall describe the real estate upon which these assessments may be made. The award of the said jurors shall be signed by them, and returned, toge her with the testimony taken and the precept to the common council, within the time limited in such precept. The costs of the proceedings shall be estimated as follows: the jurors shall be entitled to one dollar and fifty cents for each day's attendance; the judge or commissioner, in full for his services in any one case, four dollars; the chief of police, for all his services in any one case, four dollars; the city clerk, for the same, three dollars; the clerk of the circuit court, for filing and recording the report, two dollars. The printers' fees for publication of the several notices required by this act, shall be compensated according to the legal rates.

**Costs and fees.**

SECTION 11. The city clerk shall, by order of the council, make and deposit with the clerk of the circuit court of Winnebago county, a duly certified copy of said award, and the said clerk of the circuit court shall file and carefully preserve the same in his office, and at the expense of said city shall record the same. The award and the certified copy of the said award so filed shall be *prima facie* evidence of the regularity of all the proceedings, from the presentation of the petition to the filing of said award inclusive. If no appeal is taken from either damages or benefit assessed in said award, the city clerk shall add the benefit so assessed and charged in said award to the lot, lots or parcels of land, to the taxes chargeable to such lot or lots in the annual tax roll issued next after the filing of a copy of such award with the clerk of the circuit court, and the same shall be a lien thereon, and collected as other taxes. **Duty of city clerk.**

SECTION 12. Any person interested in any property taken, or upon which any benefits are assessed, may appeal to the circuit court of Winnebago county, Wisconsin, from damages awarded. Any person interested in any real estate upon which any such benefits or said damages or costs are assessed may appeal to the same court from such assessment of benefits, and also from such damages awarded; and if he appeals from both he must take it in one appeal; such appeal must be taken within ten days from the date of the filing of a copy of such award of the jurors with the clerk of the circuit court, as heretofore provided, by serving a notice upon the city clerk and filing the same with the clerk of said circuit court, which notice shall state from what such appeal is taken, and shall give and file with the clerk of said court an undertaking, signed by one or more sureties, to be approved by the clerk of said court, in the sum of five hundred dollars, conditioned to pay all costs which shall be awarded against him on such appeal. Such appeal shall be tried as other issues of fact by jury, unless a jury is waived. An appeal from any damages for the appropriation of property or any interest therein, shall take up not only the question as to such damages appealed, but also shall operate as an appeal from all benefits assessed against any property, and shall be tried *de novo*, except as to any damages for any interest in any property which has not been appealed from. An appeal from any benefit assessed against any property shall take up all benefits assessed against any property, and shall be **Appeal to circuit court.** **How appeal to be tried.**

When several appeals from benefits, all to be merged in one case.

tried *de novo* as to the question of the benefits. If there is an appeal from the damages and also an appeal from the benefits, by one or more parties, the appeal from damages only shall be tried, and if tried and determined, the appeal from the benefits shall be regarded as merged therein; if there shall be several appeals from benefits, they, by order of circuit court or the judge thereof, at the term or in vacation, without notice, shall be merged in one suit, in which all such appellants shall be plaintiffs; when there are several appeals from damages the same disposition shall be made thereof. If there are any damages awarded that have not been appealed from, then on such new trial the same shall be regarded as adjudicated and assessed *de novo* upon property found to be benefited as other damages found which were appealed from. All parties interested shall be entitled to be heard on any such appeal. If any parties interested claim that other lots or property upon which none of such benefits were assessed, should be assessed with a portion of such benefits, he may, at least ten days before such trial, notify the owner or parties interested therein of such claim, and require him to be present on such trial, and such party so notified shall be bound by the judgments in such case; if on such trial *de novo*, any property is assessed with benefits which was not assessed by the jury, (whose award is appealed from), the owner or party interested, if not so notified, shall be entitled at any time within twenty days after the entry of judgment, to a new trial, which the court in term, or the judge thereof in vacation, may grant upon due notice to all the parties who have appeared in any such suit by attorney, and when a new trial is so granted the same shall stand for trial upon the question of benefits only; the damages shall stand as adjudicated, and the jury on such new trial shall proceed to assess the same with costs, as herein provided, upon the lots and property which they find benefited, and in proportion as they may find the same benefited; *provided*, they shall not assess any such benefits upon any lots and property upon which no benefits were assessed upon the last trial thereof. Upon an appeal from damages, costs shall be awarded as follows: If the appellant's damages are increased ten per cent. he shall recover costs; if not, then defendant shall. The following is the amount of the costs and disbursements in full, which the party entitled to recover costs shall recover: If the damages found are

Rate of costs.

five hundred dollars or less, thirty dollars; upwards of five hundred dollars, fifty dollars; and if there are different appeals from damages, costs shall be awarded as above to or against the respective appellants, as they may be entitled to or liable for, and in the entry of judgment for costs, the same shall be entered for or against the appellant as of separate appeals, but the same shall be in one judgment. In an appeal from benefits in any case in which there is also an appeal from damages which shall be tried and judgment entered, each party shall pay their own costs, but in all appeals for benefits in which the question of benefits only is tried, if any appellant shall diminish the benefits for which his interest in any property is assessed, he shall be entitled to costs, if not he shall be liable for costs; a party entitled to recover costs in such cases, shall recover fifteen dollars and no more, to be entered in the judgment for and against the parties respectively as aforesaid, as in case of judgment for damages, but only one bill of costs in any one case tried shall be recovered against the defendant or by the defendant against appellant or any one of them; if appellant is entitled to recover costs, the amount thereof shall be assessed by the jury on the lots and property found to be benefited, the same as damages; and if an appeal is taken from any judgment or order to the supreme court, and a judgment for costs is rendered against the defendant, the same shall be assessed in like manner as other costs on the property benefited. In no case shall the city of Oshkosh be liable for costs. In all such suits, the city of Oshkosh nominally shall be defendant. Either party to an appeal case under this chapter, may appeal from the award and judgment therein in the circuit court to the supreme court, within twenty days from the date of the award or judgment on appeal therein, in the same manner as appeals are taken from the circuit court to the supreme court. If no appeal is taken within twenty days, the award found and made therein of damages, or of the assessment of benefits, or both, shall be final. From any final award in such cases, the clerk of the circuit court shall make a certified copy of such final award at the expense of the city, on demand of the city clerk, and the fees of the clerk of the circuit court for such copy shall be ten cents per folio, and upon and from such copy of the final award, the city clerk shall enter in the city tax roll of the city, and against property assessed for benefits, the amounts so charged and assessed upon the lots and

**By whom payment for costs to be made.**

**When an appeal is taken within twenty days.**

lands described in the award, in the same manner as in case of no appeal from the award.

When land required to be considered appropriated.

SECTION 13. The land required to be taken shall be considered appropriated for such purposes, whenever the time to appeal from such assessment of benefits or award of damages shall have expired, or the appeal or appeals taken therefrom, as heretofore provided, shall have been determined, and such damages shall have been paid, the same shall be considered as paid when each and all the person or persons entitled to receive such damages shall receive the same or any part thereof which he or they are entitled to receive, or when the same shall have been paid to the clerk of the circuit court of Winnebago county, Wisconsin; *provided*, that no portion of any damage for any building shall be paid until such building shall be removed from the land appropriated or proposed to be appropriated, and in case the owner or owners, or parties interested in any such building shall fail to remove such building when the city is entitled to have the same removed, after ten days' notice to remove the same is served personally on such owner or parties interested therein, or shall have been posted upon such building ten days before the same is required to be removed, the city may remove the same, and all the costs and expenses which the city shall be subjected to in removing such building shall be deducted from and paid out of such damage, awarded on and for such building or buildings; if there are any liens upon such property appropriated, or any part thereof, by way of mortgages, judgment, mechanic's lien or taxes, the city shall pay the damages awarded for the appropriation of the property upon which there are such liens, to the clerk of such court; when such damages shall be paid to the clerk of the circuit court, he shall give his official receipt therefor, and the said money shall be paid to such person or persons whom the said court adjudicate or determine is entitled to the same. Any person or persons may pay all such damages and costs awarded, and shall thereby become the assignee of all benefits assessed to pay such costs or benefits. Before any of such damages are paid, the common council may order all such proceedings to be abandoned and stopped.

When land taken, contracts, etc., to cease.

SECTION 14. When the whole of any lot, tract of land or other premises under lease or other contract, shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant, or any other contracting parties, touching the same or any part

thereof, shall, upon the filing in the office of the clerk of the circuit court of the copy of said award, respectively cease and be absolutely discharged.

When but part of land is taken.

SECTION 15. When only a part of a lot or tract of land, or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the filing in the office of the clerk of the circuit court of the copy of said award, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof, and the rents, considerations and payment reserved, payable and to be paid for or in respect to the same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for or in respect to the same.

When owner is an infant or under legal disability.

SECTION 16. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant, or labor under legal disability, the judge of the circuit court or judge of the county court of Winnebago county, or in their absence, any court commissioner of the circuit court may, upon application of the common council, or such party, or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

Council may pay amount of damages from city fund.

SECTION 17. The common council of the city of Oshkosh may, by a vote of two-thirds of all the aldermen elect, pay out of the general fund of the city, all damages or compensation that have accrued, or been awarded or allowed, and unpaid, and that may hereafter accrue, be awarded or allowed to any person, company or corporation, for the extension, opening or laying out of any street in said city, by the reason of the appropriation or taking of any land, buildings or property, or otherwise, together with all cost and expense accruing upon the extension, opening or laying out of any street. In case of the payment of damages or compensation, as provided in this section, the property assessed for benefits to pay such damages and compensation, shall be released and relieved from such assessment and tax for benefits, by the council, but in lieu thereof shall be assessed for their proportion of such damages so paid, in common with the other taxable property of said city.

Power of council to lay out streets, etc.

SECTION 18. The common council shall have power by ordinance to lay out public squares, grounds, streets and alleys, and to extend, open, widen and straighten

the same, in all cases where it is not necessary to take lands against the will of the owner or owners of the same. In case of lands taken under this section for the purpose above named, the council, by a two-third vote of the aldermen elect, with the consent of the owner or owners, or their legal representative, of the land, may pay (out of the general fund of the city,) to such owner or representative, all damages and compensation for such land taken for such purpose as per amicable agreement with the owner or legal representative, upon the execution and delivery to the city of a good and sufficient deed and conveyance in law for such land.

## CHAPTER XI.

### FIRE DEPARTMENT.

**Power of council to provide against fire.**

SECTION 1. The common council shall procure fire engines and other apparatus used for the extinguishment of fires, and have charge and control of the same, and shall provide, fit and secure houses and other places for keeping the same, and shall have power to appoint a chief engineer, define his duties, fix his salary and remove him at pleasure; to organize fire, hook, ladder and hose companies, and disband the same; to purchase horses and necessary apparatus and fuel for steam engines, and to provide for the appointment of a necessary number of competent persons to take the care and management of the steamers, engines, horses and other fire apparatus, to prescribe their duties and to summarily remove such persons at the pleasure of the common council; to prescribe the duties of firemen and their compensation, and to make rules and regulations for their government, and to impose reasonable fines and forfeitures upon them for a violation of the same. Every fire company organized by the common council shall not exceed, for hand engines, sixty able bodied men, and for steam engines, thirty able bodied men, between the ages of eighteen and fifty years, and they may elect their own officers, and shall be formed only by voluntary enlistment. Every member of each company hereby authorized to be formed shall be exempt from service on juries and from military duty, during the continuance of such membership, except in case of insurrection or invasion.

**Membership of fire companies.**

**When summary arrests may be made.**

SECTION 2. Whenever any person shall refuse to obey any lawful order of the chief engineer, the mayor, any alderman, fire warden, chief of police, or any policeman, at any fire, it shall be lawful for the officer giv-

ing any such order to arrest or direct orally any policeman, constable or any citizen to arrest any such person and to confine him temporarily in the watch house or any safe place until such fire shall be extinguished, and in the same manner such officer or any of them may arrest or direct the arrest and confinement of any person at such fire who may be intoxicated or disorderly, and if any person shall refuse to arrest or aid in arresting any person who shall be intoxicated or disorderly, shall be liable to such penalty as the common council shall prescribe, not exceeding twenty dollars.

**Expense of fire department to be a city charge**

SECTION 3. All the expense of the fire department shall be hereafter a city charge, and the taxes therefor to be assessed and collected as other city taxes.

**Reservoirs to be erected from city funds.**

SECTION 4. The aldermen of such wards of the city of Oshkosh, out of its ward funds, may by contract or otherwise, construct and maintain in said wards, reservoirs to supply with water the city fire department and for ward purposes, by sinking artesian wells or fountains, or may construct reservoirs to be filled in any other manner, and may purchase lands upon which to build such fountains, wells and reservoirs, deeds to be given to the city of Oshkosh in trust for such wards and the same shall be the property of such wards. When a majority of the aldermen of such wards shall certify that it is advisable to sell any such property and the common council shall so determine, it shall dispose of the same by deed or deeds, and no sale shall be made except upon notice for three weeks, published in the official city paper, and at public auction with the right to reject any and all bids; deeds to be executed the same as now provided by the city charter for executing deed.

**Aldermen may make provisions against fire.**

SECTION 5. A majority of the aldermen of such ward may construct jets and fire hydrants, and also hydrants for public and private use, and fountains in such places in such wards as a majority thereof may determine, and may lay water pipes in and through all the alleys, streets and public gounds in the said wards, and generally do all such things and work as may be found necessary or convenient from time to time for the purposes of this act, and for that purpose may enter any lands or water in the city for the purpose of making examination or survey.

**Power of council to make regulations relating to waterworks.**

SECTION 6. The common council of the city, upon the recommendation of the the majority of the aldermen of such wards, shall have power from time to time, upon the recommendation of a majority of the

aldermen of such wards, to make by-laws, rules and regulations by ordinances, in relation to such water works for the preservation and protection thereof, fixing uniform water rates to be paid for the use of water furnished by the wards, the same to be enforced and collected in the name of the city of Oshkosh, of parties using said water, and fixing the manner of distributing and supplying water for use and consumption, and for withholding or shutting off the same for cause and impose proper fines and penalties for violation of such ordinance. All penalties and fines shall be collected in the same manner as penalties for the violation of the city ordinances, and shall be paid to the treasurer of the city, and credited to the ward's fund of such wards for the benefit of said wards. All expenses incurred in and about such ward's water works, wells and reservoirs, shall be paid for out of the ward's fund and all income therefrom shall be paid into the fund of such wards.

When improvements exceed ten thousand dollars.

SECTION 7. Whenever any of the improvements herein authorized, the cost of which shall exceed two thousand dollars in any one year, the aldermen of such ward are required to have their action approved by the common council before the wards can be made liable to payment therefor, and under no circumstances shall the city be liable for any of the costs of expenses thereof, but all costs, charges and expenses, accruing or arising in any suits or litigation arising or growing out of the same or otherwise, the same shall be chargeable and paid out of the fund of such ward.

## CHAPTER XII.

### BOARD OF EDUCATION.

School district limits.

SECTION 1. All territory within the present corporate limits of the city of Oshkosh, and all territory which may hereafter be attached to and incorporated in the limits of said city, shall constitute one school district. The commissioner of common schools herein named, and the superintendent thereof, shall be styled the "Board of Education of the city of Oshkosh," a majority of whom shall constitute a quorum. The superintendent of schools in said city shall be *ex officio* president of the board of education, and in case of a tie shall be entitled to a casting vote. The term of his office shall be one year, and his compensation shall be one hundred dollars per annum, which salary shall be paid out of the school fund.

Board of education.

SECTION 2. The city clerk shall be the clerk of the board of education, whose duties shall be to keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record or transcript thereof, certified by the clerk, shall be received in all courts as *prima facie* evidence of the facts therein set forth. The compensation of the said clerk for such services shall be one hundred dollars per annum, to be paid from the school fund. It shall be the duty of the city clerk, within ten days, immediately after the election of any person as a commissioner of common schools, or as superintendent of the same, either personally or by writing, to notify him of his election; and if any such person shall not within ten days after receiving such notice, take and subscribe the constitutional oath and file the same with the clerk of said city, the common council may consider it a refusal to serve, and may proceed to fill such vacancy in the manner hereinbefore provided. **Duties of city clerk.**

SECTION 3. It shall be the duty of the common council of said city to pass such ordinances and regulations as the board of education may report to them as necessary and proper for the preservation and protection of the schoolhouses, sites, and all other property belonging to and connected with the public schools of said city, and impose proper penalties for the violation thereof; and all such penalties shall be collected in the same manner as penalties for the violation of the city ordinances, and shall be paid to the treasurer, and be subject to the order of the board of education, and shall be expended by said board for the use of the said schools in said city. **Duty of common council.**

SECTION 4. The title of all the school houses, sites, furniture, books and apparatus shall become and be vested in the city of Oshkosh, and the same, while used for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever. **Title of school property vested in city.**

SECTION 5. Whenever said board of education shall report to the common council that it is advisable to sell any of the school houses or sites, now or hereafter belonging to said city, the common council may dispose of the same, but no such conveyance of real estate shall be made except upon the recommendation of the board of education, nor shall any school house or site, belonging to said city for school purposes, be used for any other purpose, without the unanimous consent of said board. **Selling of school property**

Removal from office.

SECTION 6. Any commissioner of common schools in said city may be removed from office for official misconduct, by the common council, by a vote of two-thirds of the aldermen present, but in all cases shall be granted a full and fair hearing before such removal.

Powers and duties of board of education.

SECTION 7. The board of education shall have power and it shall be their duty:

1st. To establish and organize such schools in said city, as they may deem expedient and necessary, and in their discretion to discontinue the same.

2d. To purchase or lease school houses or lots, or sites for school houses, and to fence or otherwise improve the same, as they may deem proper, upon such lots and upon any sites now owned by said city; to build, enlarge, improve and repair school houses outhouses, and their appurtenances as they may deem proper, provided no purchase of school house sites or real estate shall be made without the approval of the common council.

3d. To purchase, exchange, repair or improve school apparatus, furniture, books for indigent pupils, and to provide fuel for the schools, and to defray their contingent expenses.

4th. To have the custody and safe keeping of the school houses, outhouses, books and furniture belonging to the schools in said city, and see that the ordinances of the common council relating thereto are strictly observed.

5th. To employ and contract with all teachers in the common schools, to whom the necessary certificates may have been given by the superintendent, and at their pleasure to remove them; *provided*, that no contract for the employment of teachers shall extend beyond the first day of July next succeeding the date of such contract; to have in all respects the supervision and management of the common schools in said city, and from time to time make, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils from other districts and the transfer of pupils from one department to another, and generally for their good order and utility.

6th. To make such orders and regulations in regard to the examination of teachers, as they may deem proper; *provided*, that such examination shall be conducted by the superintendent, or in his presence, and none but the superintendent shall be authorized to issue and give certificates of qualification.

SECTION 8. The said board shall have power to allow children of parents not residents of the city, to attend any of the schools of said city, and to fix the amount of tuition to be paid by them, and the terms upon which they may attend such schools.

Attendance of non-resident children.

SECTION 9. The said board shall be trustees of the school district library in said city, and shall expend all moneys appropriated by law or gift, for enlarging or establishing the same.

Trustees of school district library.

SECTION 10. The said board shall each year prepare a correct statement of all receipts and disbursements of school moneys during the preceding year, specifying from what source received and for what purpose expended, which statement shall be published at least ten days before the annual charter election, in the official newspaper of said city.

Board to publish statement of receipts and disbursements.

SECTION 11. The said board of education shall determine and certify to the common council of said city, such sums of money as they may deem necessary for defraying the current expenses of the public schools, but such sum so certified in any one year, shall not exceed the sum of two thousand dollars over and above the current expenses levied to said city for the previous year.

Board to certify to council sum necessary for expenses.

SECTION 12. It shall be the duty of the board of education to certify to the common council of said city, such sums of money as they may deem necessary for the purchase of school houses, sites, or for the building of school-houses; *provided*, that the amount so certified shall not exceed in any one year the sum of five thousand dollars: It shall be the duty of the board of education to file with the city clerk of said city, on or before the the first day of November of each year, a certificate or certificates in writing, stating the amount of money to be raised, as determined by them either for building or general fund purposes, which certificate or certificates shall be signed by the president of said board, and it shall be the duty of the clerk to place the same on the tax roll for that year, and the common council shall cause the sum herein provided for, to be levied and collected annually in the same manner as other taxes are levied and collected in said city.

Board to certify sum necessary for purchase of sites.

SECTION 13. All moneys raised by this act for school purposes shall be paid to the city treasurer, who shall be accountable therefor in the same manner as for other moneys of said city.

Money to be paid to city treasurer.

SECTION 14. The said board of education may

Board may

prosecute bond of city treasurer.

cause a suit or suits to be commenced and prosecuted in the name of the city of Oshkosh upon the official bond of the treasurer of said city, for any default, delinquency, or official misconduct in relation to the collection, safe keeping, and disbursement of any school moneys that may come into his hands.

City exempt from act creating office of county superintendent.

SECTION 15. The city of Oshkosh is hereby exempt from the provisions of an act entitled "An act to create the office of county superintendent of schools," approved April 6, 1861, except in the matter of making reports to the state superintendent.

Parties liable for unauthorized expenditures.

SECTION 16. In case any school commissioner, or the superintendent of schools, shall purposely vote for any appropriation, or for the payment or expenditure of any money not authorized by law, or in case the board of education shall authorize any expenditure for any purpose not authorized in this act, or exceeding the amount the board of education are authorized to certify to the common council to raise for any purpose in any one year, the school commissioner, or any of them, or the superintendent of schools voting for any such appropriation or expenditure, or for the contracting of any such debt or debts, shall be personally liable to the city of Oshkosh, or to any person or persons who may sue for the same, in an action in a court of competent jurisdiction, for any damage the city may sustain in consequence of such illegal payment, expenditure or appropriation.

## CHAPTER XIII.

### MISCELLANEOUS PROVISIONS.

All work to be let to lowest bidder.

SECTION 1. All work for the city, including all printing and publishing, shall be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting such contract, and the council shall have the right to reject any bid, when it is deemed for the interest of the city to do so.

Appropriation of monies.

SECTION 2. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

How judgments discharged.

SECTION 3. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a majority of the aldermen elect.

Actions to be brought in name of city.

SECTION 4. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city.

It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of this act or by-law or ordinance under which the penalty or forfeiture is claimed, and to give special matter in evidence under it.

Process in prosecutions.

SECTION 5. In all the prosecutions for any violation of any of the provisions of this act, or any by-law or ordinance, the first process shall be a summons, unless oath be made for a warrant as in other cases.

Form of complaint by summons.

SECTION 6. When the action is commenced by summons, the complaint may be substantially in the following form:

CITY OF OSHKOSH *against* —— ——. In Justice Court.

The plaintiff complains against the defendant in an action of debt for that the defendant did, on the —— day of ——, 18—, violate section —— of an ordinance, (or by-law, describing it by its title), which said action hath accrued to the city of Oshkosh to recover of the defendant the sum of —— dollars debt. Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

Form of complaint by warrant.

SECTION 7. In all cases where the oath is made for a warrant, the complaint shall be made on the oath of the complainant, and no other affidavit shall be necessary, which complaint last above named may be substantially in the following form:

THE CITY OF OSHKOSH *against* —— ——. In Justice Court.

STATE OF WISCONSIN — *County of Winnebago* — ss.

—— ——, being duly sworn, complains on oath to —— ——, justice of the peace of the city of Oshkosh, that —— —— did, on the —— day of——, 18—, violate section ——, of an ordinance (or by-law, describing its title), which said —— is now in force and effect, as this complainant verily believes; and prays that said —— —— may be arrested and held to answer to said city of Oshkosh therefor.

Subscribed and sworn to before me this —— day of ——, 18—. —— ——.

It shall be sufficient to give the number of the section or sections, and the title of the ordinance or by-laws or the law violated in the foregoing forms of the complaints, and the said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant thereon, which may be substantially as follows:

Form of warrant.

STATE OF WISCONSIN — *County of Winnebago* — City of Oshkosh — ss.

The State of Wisconsin to the sheriff or any constable of said county, or to the chief of police or any policeman of the city of Oshkosh, greeting:

Whereas,—— ——, has this day complained to me in writing, on oath, that —— —— did, on the —— day of ——, 18—, violate —— section or sections, of ordinance, by-law, regulation or law (as the case may be, describing it by its title), which said —— —— is now in full force and effect, as complainant verily believes. Therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of said —— ——, and bring him before me forthwith, to answer to the said city of Oshkosh, on his complaint aforesaid.

Given under my hand this —— day of ——, 18—,
—— ——. Justice of the Peace.

How case to be proceeded with.

Upon the return of the warrant, the justice may proceed summarily with the case, unless it be continued by consent, or for cause. If the cause be adjourned, the defendant, if required by the court to do so, shall recognize with security to be approved by the court, for his or her appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the watch house of said city, or the common jail of Winnebago county. The complaint made as aforesaid shall be the only complaint required, and a plea of "not guilty" shall put in issue all subject matter embraced in the action.

Printed copy of ordinance to be evidence.

SECTION 8. A printed copy of an ordinance, by-law or resolution passed by the common council, and published in a newspaper or in a pamphlet or book form shall be *prima facie* evidence of its due passage and publication, and shall be received [in evidence] on the trial of all cases cognizable before any court in this state.

Witnesses and jurors to attend without prepayment of fees.

SECTION 9. Witnesses and jurors shall attend before a justice of the peace in all city suits without the payment of fees in advance, or a tender thereof, upon process of the court duly served, and in default thereof, their attendance may be compelled by attachment.

Process in city prosecutions.

SECTION 10. In city prosecutions the finding of the court or jury shall be either "guilty" or "not guilty." If guilty, the court shall render judgment thereon against the defendant for the fine, penalty, or forfeiture contained in the ordinance, by-law or resolution for the violation of which the person or persons shall have been

adjudged guilty, and the costs of suit; but if not guilty, the costs shall be taxed against the city. Upon conviction and the non-payment of such judgment, the court may forthwith issue an execution as in case of tort, and shall determine and enter upon the docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the commitment or execution. Such execution may be in the following form:

STATE OF WISCONSIN — *Winnebago County — City of Oshkosh* — ss.

Form of execution.

The state of Wisconsin to the sheriff or any constable of the county of Winnebago, or the chief of police or any policeman of said city, and to the keeper of the watch house of said city, or of the common jail in said county, greeting:

Whereas the city of Oshkosh, on the —— day of ——, 18—, recovered a judgment before —— ——, the justice of the peace of said city against —— ——, for the sum of —— dollars, together with —— dollars, costs of suit, for the violation of an ordinance, by-law, resolution or law (as the case may be), these are therefore, in the name of the State of Wisconsin, to command you to [levy] distress on the goods and chattels of said ——, excepting such as the law exempts, and make sale thereof according to law, in such cases made and provided, to the amount of said sum, together with your fees and twenty-five cents for this writ, and the same return to me in thirty days; and for want of such goods and chattels whereon to levy, take the body of the said ——, and him convey and deliver to the keeper of the common jail in Winnebago county, or the keeper of the watch house in said city, and the said keeper is hereby commanded to receive and keep in custody in said jail, or watch house, the said ——, if in the city of ——, unless said judgment, together with all costs and fees, are sooner paid, or he be discharged by due course of law.

Given under my hand this —— day of ——, 18—. —— ——, Justice of the Peace.

Residence not to disqualify as judge or juror.

SECTION 11. No person shall be an incompetent judge, justice or juror, by reason of his being an inhabitant of and tax payer in the city, in any proceeding or action in which the city shall be a party.

Ordinances to remain in force.

SECTION 12 All ordinances, regulations or resolutions now in force in the city of Oshkosh, and not in-

consistent with this act, shall remain in force under this act until altered, modified or repealed by the common council, after this act shall take effect.

Actions vested in corporation.

SECTION 13. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

When election not held at prescribed time.

SECTION 14. If any election by the people or common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation; but such election or organization may be had at any subsequent day, by order of the common council, and if any of the duties enjoined by this act, or the ordinances or by-laws of the city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which the said acts may be done and performed.

River to be under jurisdiction of city.

SECTION 15. All that part of the Fox river within the limits of said city, shall be kept under the exclusive jurisdiction of the said city and the common council, and all bridges over the said river within the limits aforesaid, shall be under its jurisdiction; and the mayor and common council of said city are hereby fully empowered to build and construct, or cause to be built and constructed, new bridges over said river, at such point or points as they may deem necessary and for the best interests of the city, and to maintain and support all such bridges which the city may own now or may build hereafter, at the expense of said city; *provided*, that all of said bridges shall contain draws sufficient for the passage of vessels.

Penalty for retarding work on streets.

SECTION 16. Every person who shall interfere with, molest or hinder any alderman, street commissioner, contractor or any employe of a contractor or alderman, or retard the work on streets, after the same is ordered let and under contract, on any street, drain, sidewalk ot other street improvement, shall be liable to pay a penalty of ten dollars, which shall be sued for and recovered (with costs), (of such person violating this section, in an action wherein the city shall be plaintiff,) in the same manner as for the violation of city ordinances herein provided in this chapter.

General laws for protection of bridges to apply.

SECTION 17. The general laws for the preservation of bridges, and the punishment by such laws provided

for the willful and malicious injuries done thereto, are hereby extended to and shall include all of said bridges, and shall apply to any willful or malicious damage which may be done to either of them by any person or persons whatever; and the common council may, from time to time, make such by-laws or ordinances as they may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties. In case of any damage done to any of said bridges by any vessel or watercraft, or by the master or any person in command thereof, such vessel or water craft may be proceeded against under the law to provide for the collection of demands against boats and vessels.

Service of process.

SECTION 18. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process, by the proper officer, with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or to take such other proceedings as by ordinances or resolutions of said council may be in such case provided.

Private property exempt from execution against city.

SECTION 19. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

Council may appoint commissioners to make new survey.

SECTION 20. The common council of said city may at any time appoint six commissioners, one from each ward, who, with the assistance of the city surveyor, or such other assistant surveyors as the council may appoint, shall cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and shall cause to be established such permanent land marks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the said mayor and commissioners, which shall be filed in the office of the city clerk, and a copy thereof shall be recorded in the office of the register of deeds of Winnebago county.

Survey to be evidence.

SECTION 21. The survey and landmarks so made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy, in all courts of this state.

Power of council to establish grade of streets, etc.

SECTION 22. The common council of said city may, at such time as they may deem proper, establish the

grade of all streets, alleys and sidewalks, in said city, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Winnebago county; and should the grade so established be at any time hereafter altered, all damages, costs and charges arising thereupon shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade; *provided*, that nothing in this section contained shall be so construed so as to prevent the several wards of the said city from ordering or causing to be done the grading of any street within their ward to a temporary grade to be established by the ward aldermen for their ward.

**City may hold personal property.**

SECTION 23. The said city may lease, purchase and hold real or personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation while owned by said city.

**All property subject to special assessments.**

SECTION 24. Real estate exempt from taxation by the laws of this state shall be subject to special assessments for improvements made on streets and sidewalks under the provisions of this act, as other real estate.

**Act not to be affected by general laws.**

SECTION 25. No general law of this state contravening the provisions of this act, shall be considered as repealing, annulling or modifying the same, unless such purpose be expressly set forth in such law, as an amendment to this charter.

**Subdivision and platting of lands.**

SECTION 26. Every individual or company of individuals, or body corporate, owning a lot or tract of land within the corporate limits of the city of Oshkosh, who may desire to subdivide or plat such lot or tract of land into city lots, shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys through the lots and blocks in said city, adjacent to said lot or tract of land so platted; and before recording such plat as required by law, it shall be the duty of such person or persons making such plat, to submit the same to the common council of said city for approval, and if said plat shall be approved by the common council, it shall be lawful for the party or parties making such plat to record the same in the manner prescribed by the Revised Statutes of this state, concerning town plats; but, except such plat shall be approved by resolution adopted by said common council, a copy of which, duly certified to by the city clerk, shall be affixed to said plat, it shall not be lawful for the register

of deeds of Winnebago county to receive such plat for record, and the person or persons neglecting or refusing to comply with the requirements of this act, shall forfeit and pay a sum not less than one hundred dollars and not more than one thousand dollars; and the register of deeds who shall record such plat without such resolution of the common council thereto attached, approving the same, shall forfeit and pay a sum not less than fifty nor more than one hundred dollars.

**Forfeitures to be prosecuted by city.**

SECTION 27. All forfeitures and liabilities which may be incurred and arise under and by virtue of this act, shall be prosecuted for and recovered in the name of the city of Oshkosh, and paid into the city treasury for the use and benefit of said city, except as herein otherwise provided.

**When city deeds or leases real estate.**

SECTION 28. When the city of Oshkosh deeds or leases any real estate, or any interest therein, owned by said city, the party of the first part shall be the city of Oshkosh, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

**Mayor to execute deeds.**

SECTION 29. The mayor of said city is hereby authorized, when the common council shall by ordinance or resolution, for that purpose, describing the real estate and interest to be conveyed, order and direct him so to do, to execute a deed or lease of such real estate, or interest therein belonging to the said city; the said deed or lease shall be signed by the mayor of said city and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged, as is provided by law for the execution of deeds and leases.

**How deed to be attested and recorded.**

SECTION 30. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true and attested copy of such ordinance or resolution, and the same shall be recorded by the register of deeds with the said deed or lease, and such copy, so attached and recorded, shall be, in all courts of this state, *prima facie* evidence of the authority of such mayor to make and execute such deed or lease.

**Prosecutions for keeping disreputable houses.**

SECTION 31. Every person who shall set up or keep a common gaming house, or a gambling house or place, or a house of ill-fame, or a bawdy house or place, and all person or persons inmates thereof or found therein, within the limits of the city of Oshkosh, and on trial and conviction be adjudged guilty, in an action wherein the city shall be plaintiff, in the same manner as for violation of city ordinances hereinbefore provided,

shall be punished by imprisonment in the city prison or county jail of Winnebago county, not to exceed six months, or by fine not to exceed one hundred dollars, or by both such fine and imprisonment, as the justice of the peace of the city or court before whom the trial is had may think proper; and on trial of persons for the violation of this section, proof of the general reputation of the house kept shall be sufficient *prima facie* evidence of the fame and kind of place or house kept.

Subsequent costs to be added to judgment.

SECTION 32. When judgment is rendered against any person for the violation of any city ordinance, and such person shall be committed for the non-payment thereof, all subsequent costs and expenses made thereon, including his board, shall be added thereto, which he shall be required to pay, in case of payment of said judgment.

Duty of keeper of jail.

SECTION 33. The keeper of the common jail of the county of Winnebago is hereby required to receive and keep all persons who shall be arrested by the proper officers for the violation of any city ordinance, or committed for the non-payment of any judgment, fine or penalty.

City orders payable to bearer.

SECTION 34. City orders may be made payable to bearer.

Lighting of streets.

SECTION 35. The streets in said city, or any part thereof, may be lighted with gas or with other materials, as follows: The aldermen, or a majority thereof, of each ward, may divide the ward which they respectively represent into one or more gas districts, with power, when they see fit, to change or alter the bounds thereof, or re-district the same. The majority of the aldermen of the ward in which any such gas district or districts are located may, at the expense of all the taxable property in such district, erect gas posts therein, with necessary and suitable burners and equipments, and have the same lighted with gas.

Levy of tax for lighting streets.

SECTION 36. There shall be levied and assessed upon and collected from all the taxable property in such district, a tax or assessment to pay all the costs and expenses of lighting the streets in such districts with gas as aforesaid; the same shall be collected therefrom as other taxes and assessments; *provided*, however, and the following real estate shall be exempt therefrom, viz.: all real estate belonging to the city, all real estate upon which buildings are situated used exclusively for religious worship.

Lighting bridge

SECTION 37. The city, out of the general fund, may pay for lighting the bridge across the Fox river, in said city with gas.

SECTION 38. Each ward in said city, out of its ward fund, in the discretion of the aldermen thereof, may light the streets thereof with gas, and erect the necessary gas posts and equipments therefor. **Streets may be lighted from ward fund.**

SECTION 39. The common council, by resolution, may forbid any and all persons in said city, who are or may be licensed to sell strong, spirituous, ardent or intoxicating liquors, from selling or giving to any person, naming him, who in the opinion of the council is drinking or using spirituous, ardent or intoxicating liquors to such excess as to make or render such person disorderly or liable to be disorderly; and if any person licensed as aforesaid, shall sell or give to any such person any strong, ardent or spirituous liquors, or allow any other person or persons on his premises to sell or give to such person, or to any other person for him, any spirituous, ardent or intoxicating liquors of any kind whatever, the council may declare the license of such licensed person forfeited, and such person, or any other person who shall give, sell, buy or procure for such person any strong, ardent or spirituous liquors or beer, shall be liable to a penalty of twenty-five dollars, which shall be sued for and recovered, with costs, of such persons violating this section, in an action wherein the city shall be plaintiff, in the same manner as for the violation of city ordinances hereinbefore provided in this chapter. **Regulations for sale of liquors.**

REPEALING CLAUSE.

SECTION 40. All acts incorporating the city of Oshkosh and amendatory to the city charter, are hereby repealed, and all acts and parts of acts inconsistent with and conflicting with the provisions of this act are hereby repealed; but the repeal of said acts and parts of acts shall not in any manner affect, injure or invalidate any contracts, acts, suits, claims or demands that may have been entered into, performed, commenced or that may exist under or by virtue or in pursuance of the said acts or any of them, but the same shall exist and be in force and carried out as fully and effectually to all intents and purposes, as if this act had not been passed. **Repealed.**

SECTION 41. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1877.

[*Published March* 12, 1877.]

## CHAPTER 124.

AN ACT relating to the Namakagon and Totogatic Dam Company, and amendatory of chapter 452, of the private and local laws of Wisconsin for 1869, and the several acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 11 of chapter 452, of the private and local laws of 1869, as amended by chapter 164, of the private and local laws of 1870, and by chapter 405, of the laws of 1876, is hereby amended to read as follows: Section 11. Said company, for the purpose of improving the several streams and rivers hereinafter mentioned, and the navigation thereof, is hereby authorized and empowered to construct a dam across the Namakagon river, at such point or points as shall be deemed necessary, in town 43, range 6 west; and across the Totogatic river, at such point or points as shall be deemed necessary, in town 42 or 43, range 12 west; and across the Eau Claire river at such point as shall be deemed necessary, in town 44 north, range 10 west; and across the St. Croix river, at such point as shall be deemed necessary, between the mouth of the Eau Claire river and the mouth of Moose river; and across the Yellow river, at four several points thereon, to wit; one at such point in town 40, range 16 west, as shall be deemed necessary; another at such point in town 39, range 14 west, as shall be deemed necessary; another at such point in town 38, range 13 west, as shall be deemed necessary; and another at such point in town 39, range 12 west, as shall be deemed necessary; and across the Clam river at such point as shall be deemed necessary, in town 39, range 16 west; and also one additional dam across the Namakagon river, at such point on section 6, town 41, range 8, as shall be deemed necessary for the purpose of driving logs and other timber on said rivers, and to keep and maintain said dams for the term of fifteen years; *provided*, said company shall keep the gates and sluice ways of each and all its said dams, except the said dam on the Eau Claire river and the dam on the Namakagon in town 43, range 6, open from the 20th day of July until the 15th day of October of each year, so as to allow the free and unobstructed passage

Authority to construct dam.

of the waters of each of said rivers through the same as fully and completely as though said dams and each of them had not been erected; and it shall be unlawful for said company to dam up or obstruct the free passage of the waters of either of said rivers, except the Eau Claire and the Namakagon during either of the said months; and in case of a violation of the provisions of this section, the person so offending shall be liable to pay a penalty of one hundred dollars, to be recovered in an action in the name of the state, for each day during which the free passage of the waters of either of the said rivers shall be so obstructed; and for any violation of the provisions of this section by said company, this charter may be annulled and declared forfeited by an action of *quo warranto.*

SECTION 2. Section 13 of said chapter 452, as the same is amended by said chapter 164, and by said chapter 405, is hereby amended to read as follows: Section 13. Whenever the water retained by any or either of the dams, hereby authorized to be constructed, shall be needed or required by any person or persons to be used in sluicing or driving logs or timber down the river, upon which the dam from which the water so required is situated, said company shall permit the use of so much thereof as the superintendent of such dam shall deem necessary; *provided*, the owner or owners of the logs so requiring such water, his, her or their agent thus driving said logs, shall give to the superintendent of such dam written notice of the want of such water three days prior to the time the same is required; *and provided further*, that no owner or owners of logs, his, her or their agent, shall be entitled to give such notice and require such water, until the rear of the drive of their said logs shall be within the flowage of said dam; *and provided further;* that if when the water so held by any or either of said dams is being used in the driving or slucing of logs or timber, any other drive of logs or timber comes into the flowage of such dam, the superintendent of such dam shall have the right to shut the gates of such dam and retain the water running therein for such reasonable time as will enable the owner or owners of the drive so coming into such flowage, his, her or their agent, with due diligence, to get their logs or timber to said dam to be sluiced. But the superintendent of such dam shall not be required to close the gates thereof and hold the water therein, unless the drive so coming into such flowage shall contain at least 500,000 feet of logs or

**Amended.**

**When water needed to sluice logs.**

timber, if the drive or drives then using such water contains 2,000,000 feet of logs or more; *and provided further*, that no owner or owners of logs or timber, his, her or their agent, having logs in the flowage of any or either of said dams, that could with reasonable diligence have been sluiced or driven at any previous time in that or any previous year, shall have the right to demand or require the use of the water of any or either of said dams as hereinbefore provided when the same is or may be required in the sluicing or driving of any other drive of logs, either above or below said dam, which could not with reasonable diligence have been sluiced or driven before; *and provided further*, that the person or persons, requiring the use of the water of any or either of said dams shall at their own expense furnish help sufficient to raise or shut the gates of such dam, as the case may be; *and provided further*, that no owner or owners of logs shall be entitled to the use of the water retained by any or either of said dams, to enable him or them to get any drive of logs or timber through any thoroughfare above such dam; when the use of such water for such purpose will, in the judgment of the superintendent of such dam, in any way interfere with the sluicing or driving of any other drive of logs or timber on said stream, either above or below said dam, and the said company as compensation for the improvement of said several streams and rivers herein mentioned, and of the navigation thereof in the manner herein provided, are hereby authorized and empowered to demand, receive, levy, sue for, recover and collect toll on all logs or timber sluiced through said dams, or any or either of them, at and for the following rates, to wit: On all logs or timber hauled into the St. Croix river, or coming into the same from any of its tributaries between the east line of range 17, and the point on said river where the range line between ranges 13 and 14 crosses said river, after the building of the dam on said river first specified herein fifteen (15) cents per thousand feet board measure, and on the logs or timber hauled into said St. Croix river or coming into the same from any of its tributaries above said last mentioned point, after the building of the dam on said stream first herein specified the sum of twenty (20) cents per thousand feet board measure, excepting the logs coming into said St. Croix river, out of the Eau Claire river, and upon all logs or timber coming into said St. Croix river out of the Eau Claire river after the building of the dam up-

**When water may not be used.**

**Rates of toll.**

on said St. Croix river first herein specified the sum of forty (40) cents per thousand feet board measure; and upon all logs hauled into or coming into said St. Croix river from any of its tributaries as above specified after the building of the dam upon said stream secondly herein specified the sum of ten (10) cents per thousand feet in addition to the sums above mentioned and specified. On all logs or timber hauled into the Totogatic river or coming into said river from any of its tributaries after the building of the dam on said river as herein provided twenty (20) cents per thousand feet board measure. On all logs or timber hauled into the Namakagon river above where the range line between ranges 8 and 9 crosses said river after the building of the dams on said stream as herein provided, twenty-three (23) cents per thousand feet board measure, and for all logs hauled into said river, or coming into the same from any of its tributaries below said last mentioned point after the building of said dams, twenty (20) cents per thousand feet board measure. On all logs hauled into or coming into the Yellow river from any of its tributaries, after the building of the four several dams herein specified, as follows: upon all logs so coming into said river between its mouth and the point where the section line between sections 26 and 27 in town 39 north, range 14, crosses said river, twenty (20) cents per thousand feet, upon all logs so coming into said river between the last mentioned line and the point on said river where the west line of section 10 in town 38 of range 13, crosses said river, thirty (30) cents per thousand feet board measure; upon all logs or timber so coming into said river above said last mentioned line, forty (40) cents per thousand feet; on all logs hauled into Clam river, or coming into the same from any of its tributaries after the building of the dam on said stream herein specified, the sum of twenty (20) cents per thousand feet board measure. And the said company are hereby authorized and empowered to demand and receive the said tolls before they shall be required to permit the use of the water retained by any or either of said dams for the purpose of sluicing or driving any logs or timber on any of said rivers. And in case any logs or timber is sluiced or driven down said rivers, or any or either of them, with the consent of said company or otherwise without the toll thereon having first been paid, the said toll shall be and remain a lien upon all said logs or timber bearing the same

**Tolls may be demanded before water is used.**

mark until the said toll is paid, which said lien shall take precedence of any and all other liens upon said logs, except liens for labor, and the said company is hereby authorized to seize and take possession of all said logs or timber wherever the same may be and in whomsoever possession the same may be, and to sell at public vendue, in the county where the same are seized, sufficient thereof to pay said toll and the costs and expenses of such seizure and sale. At least two weeks' notice of such sale shall be given by publishing the same for two weeks in some newspaper published in said county, or, if no newspaper be published therein, by posting such notice in three public places in said county, and by mailing a copy of said notice to the person or persons in whose name the marks upon said logs is recorded in the office of the inspector of the 4th lumber district, directed to him or them at his or their place of residence, if known, and if not known, then by depositing said notice with the inspector of said district, which mailing or depositing shall be done at least two weeks before such sale. Said notice shall state the marks upon said logs, the amount of toll due thereon and the time and place of sale. The lien hereby given may also be enforced in the same manner and with like effect as liens for labor upon logs, as provided in chapter 154 of the general laws of 1862 and the acts amendatory thereof, which said laws and the several acts amendatory thereof are hereby made applicable hereunto, except that the statement of the debt or demand therein required to be filed in the office of the clerk of the circuit court may be filed at any time prior to the first day of October in the year in which the last sluicing or driving of said logs or timber shall have been done. The owner or owners of any logs or timber sluiced or driven down any of the rivers mentioned herein, shall be liable for the toll thereon, and any herson having a mortgage upon any such logs, at the time the same are sluiced or driven, who shall afterwards sell or take possession of said logs by virtue of said mortgage, shall thereby become liable for the toll due thereon, and said company are hereby authorized to sue for and recover the same from such mortgagee.

How lien may be enforced.

SECTION 3. This act shall take effect from and after its passage.

Approved March 3, 1877.

[*Published March* 12, 1877.]

## CHAPTER 125.

AN ACT to amend section 6 of chapter 165 of the laws of Wisconsin of 1874, entitled "An act to secure the safe navigation of the Wisconsin river."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 6 of chapter 165 of the laws of Wisconsin of 1874, is hereby amended by adding thereto at the end of said section as follows: Nor shall the provisions of this act apply to the bridge across said river within the limits of the city of Portage. Amended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1877.

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[*Published March* 19, 1877.]

## CHAPTER 126.

AN ACT to amend an act entitled "An act to amend chapter 262 of the laws of 1875," and to amend an act entitled "An act to revise, consolidate and amend 'an act to incorporate the city of Green Bay,' and the several acts amendatory thereof, approved March 8th, 1875."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two of chapter one hundred and seventy-nine of the laws of 1876, is hereby amended by adding to said section the words following: *Provided*, that all the territory that on the 1st day of January, 1876, was outside the then limits of the city of Green Bay, and that by chapter 179 of the laws of 1876, entitled "An act to amend chapter 262, of the laws of 1875, entitled 'an act to revise, consolidate and amend an act to incorporate the city of Green Bay and the several acts amendatory thereof," approved March 8th, 1876, was added to and thereby made a part of the city of Green Bay, shall be exempt from taxation for debts, liabilities or obligations of said city, contracted, made or incurred prior to said first day of Amended. Certain territory exempt from taxation.

January, 1876; and this said exemption shall also include and be enjoyed by the inhabitants of such territory while residing thereon.

When tax is illegal.

SECTION 2. That subdivision three of section nineteen of chapter ten of said act of 1875, be amended so as to read as follows: When the tax is manifestly illegal and void by reason of the exemption of the property from taxation by law, or when great injustice has been done to the person against whom the tax has been levied by an excessive valuation of the same.

Taxes to be paid to city treasurer.

SECTION 3. All fines collected in pursuance of the act of 1875, to which this act is in part amendatory, shall be paid into the city treasury by the person receiving the same immediately after the receipt thereof.

How repairs to be made.

SECTION 4. Section 8 of chapter 7 of said act of 1875, relating to public schools, is hereby amended so as to read as follows: Section 8. Whenever repairs to a larger amount than one hundred dollars shall, in the opinion of the board, be required for any one school house, they shall cause a statement to be made, showing the repairs required and an estimate of the cost thereof, to be laid before the mayor and council, and whenever in their opinion another school house or school houses shall be required, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings together with the estimates of the cost of the same to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs, or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a majority vote of the whole number of aldermen of the city against the same, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased or building or buildings be erected; and it shall be the duty of said board, in the name of said city, to enter into contract for making such repairs, or for the erection of such buildings, or for the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1877.

[*Published March* 12, 1877.]

## CHAPTER 127.

AN ACT to amend an act entitled "An act to amend and add to an act entitled 'an act to consolidate chapter 49 of the private and local laws of 1855, entitled an act to incorporate the village of Madison into a separate school district," and all acts amendatory thereof, being chapter 203 of the private and local laws of 1867.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1 of chapter 203 of the private and local laws of 1867, is hereby amended by adding thereto the following: "And in addition to the other taxable property now attached to said city for school purposes, the following mentioned property is attached to said city for school purposes only, to wit: All that part and portion of section 26 of the town of Madison, now owned by and occupied by and assessed to Edwin E. Bryant, being fourteen and 10-100 acres on the south shore of Lake Monona, and the personal property of the occupant thereof; and also all that part of the said section now owned and occupied by and assessed to Daniel O'Sheridan, and the personal property of the owner thereof, so that section as amended shall read as follows: Section 1. All taxable property within those portions of the towns of Blooming Grove and Madison which are now or shall hereafter be attached to or connected with the city of Madsson for school purposes, shall henceforth be subject to be taxed for the support and maintenance of the schools of said city, the same as property within said city. And in addition to the other taxable property now attached to said city for school purposes, the following mentioned property is attached to said city for school purposes only, to wit: All that part and portion of section 26 of the town of Madison now owned and occupied by Edwin E. Bryant, being 14 and 10-100 acres on the south shore of Lake Monona, and the personal property of the occupant thereof; and also all that part of the said section now owned and occupied by and assessed to Daniel O'Sheridan, and the personal property of the owner thereof."

Amended.

Property attached to city for school purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1877.

[*Published March* 19, 1877.]

## CHAPTER 128.

**AN ACT relating to loans of school and university trust funds to school districts, and amendatory of section 5, chapter 42 of the general laws of 1871.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Amended.**

SECTION 1. Section 5, chapter 42, of the general laws of 1871, is hereby amended by adding after the words "shall be fully paid," in the ninth line thereof, the following words, viz: "unless by consent of said commissioners," so that said section will read as follows:

**Property in district to stand charged for payment of loan, and boundaries not to be changed.**

Section 5. All the taxable property in any school district obtaining a loan under the provisions of this act shall stand charged for the payment of said loan and the interest thereon, at the time and in the manner hereinbefore specified, and the boundaries of said school district shall not be so altered as to exclude therefrom any land included therein at the time of making said loan, until the loan hereby authorized shall be fully paid, unless by consent of said commissioners; *provided*, such consent shall in no way release any security for loans of school money, and it shall be the duty of the town clerk of any town in which a joint school district obtaining a loan as aforesaid shall be situated, on or before the second Monday in September, in each year, during the continuance of said loan, to make and transmit to the secretary of state a certified statement of the equalized valuation of real and personal property belonging to that part of any joint school district lying within his town, according to the last assessment roll of said town, and it shall be the duty of the secretary of state, at the time he shall certify to the clerk of the board of supervisors the amount of state taxes, also to certify to the town clerk of any town in which any school district or part of a district shall be situated, having obtained a loan of money under the provisions of this act, the amount that shall be due or to become due for the year, of principal and interest of said loan, and the town clerk of said town shall thereupon insert the amount so certified, in the assessment roll of said town as a tax upon said school district, or part of district, without any further or other authority, to be collected and paid over to the town treasurer of the town where the school house is

**Duty of town clerk.**

situated, out of the first money collected by him belonging to said district or part of district, and by said town treasurer paid to the county treasurer, and by the county treasurer paid to the state treasurer upon said loan.

SECTION 2. This act shall take effect from and after its passage.

Approved March 3, 1877.

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[*Published March* 12, 1877.]

## CHAPTER 129.

AN ACT to provide for the publication of the transactions of the Wisconsin Dairymen's association.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Transactions of society to be printed at expense of state.

SECTION 1. There shall be printed annually, by the state printer, on the order of the commissioners of public printing, two thousand copies of the transactions of the Wisconsin Dairymen's Association, and such other matters pertaining to the dairy interests of the state as shall be deemed most important; said transactions shall be printed on good book paper and bound in paper cover, uniform in style with the reports of the secretary of state; *provided*, that the number of pages shall not exceed one hundred and fifty.

How copies to be distributed.

SECTION 2. The transactions of the Wisconsin Dairymen's Association, so published, shall be distributed as follows: six hundred copies to the legislature, forty copies each to the State Historical Society, Academy of Science, Arts and Letters, and State Agricultural Society, and the Northern Wisconsin Agricultural and Mechanical Association, and the remainder to the said Wisconsin Dairymen's Association.

Appropriation.

SECTION 3. There is hereby appropriated out of the general fund a sufficient sum of money for the printing and binding of said volumes annually.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1877.

[*Published March* 12, 1877.]

## CHAPTER 130.

AN ACT to legalize the acts of the Waukesha County Agricultural Society.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Acts legalized.

SECTION 1. All certificates of membership issued by the Waukesha County Agricultural Society since the eighth day of January, A. D. 1873, and now outstanding, are hereby declared legal and valid in the hands of their holders; and each of said certificates, and every certificate of membership hereafter issued by said society, shall represent and be deemed a certificate of one share in all the real and personal property of said society, and may be assigned and transfessed pursuant to the provisions of chapter forty-five of the general laws of 1871, and the act or acts amendatory thereof.

Who entitled to vote.

SECTION 2. No member of said society shall be entitled to cast any additional vote or votes in any case on account of the number of shares in excess of one share that may be held by such member.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1877.

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[*Published March* 12, 1877.]

## CHAPTER 131.

AN ACT to provide for the protection of game in the county of Burnett.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

When unlawful to kill game.

SECTION 1. Nor person shall catch, kill or otherwise destroy or have in his possession, or expose for sale, any deer or fawn, grouse, prairie hen or prairie chicken, woodcock or partridge in the county of Burnett, except between the 15th day of October and the succeeding 1st day of November in each year, under a penalty of twenty dollars for each deer or fawn, and ten dollars for each grouse, prairie hen or prairie

chicken, [or] woodcock, caught, killed or otherwise destroyed, or held in possession or exposed for sale.

SECTION 2. All penalties imposed by the provisions of this act may be recovered with costs of action by any person or persons, in his or their own names, or in the name of the state of Wisconsin, before any justice of the peace in any town, or police justice of any city, in the county where the said offense was committed, or where the defendant may reside or be found; and any such justice of the peace or police justice is authorized, upon receiving sufficient security for the costs on the part of the complainant, or otherwise in his discretion, and satisfactory proof by affidavit of the violation of any of the provisions of this act, by any person whomsoever, to issue his warrant in the form of a criminal warrant, and to have such offender brought immediately before him to answer the charge against him, or committed or held to bail to such charge, and any such justice of the peace or police justice within said county named in the first section of this act, may, upon proof of probable cause to believe that any person within said conunty conceals any deer, game birds or bird, mentioned in this act, during any of the prohibited periods, any such deer, game birds, or birds caught, killed or otherwise destroyed, held or possessed, in violation of any of the provisions of this act, issue his search warrant and cause search to be made in any house, boat, car, or other building, and for that end may cause any apartment, chest, box or locker to be broken open and the contents examined.

**How and by whom penalties for violation may be obtained.**

SECTION 3. The affidavit made by the complainant shall be deemed the complaint in all actions instituted under the provisions of this act, and it shall not be necessary to state therein the number of such game birds, concerning which the defendant is charged.

**Form of complaint.**

SECTION 4. Any penalties, when collected, shall be paid into the court, and shall thereupon be paid by such court, before such conviction shall be had, to the credit of the school fund of said county, and on the nonpayment of the penalty and costs of the prosecution or any part thereof, at the time of conviction, the defendant shall forthwith be committed to the common jail of such county for the period of not less than ten days, when the judgment therefor, aside from the costs, exceeds not the sum of fifty dollars, and at the rate of one day for each ten dollars, in which said judgment, aside from costs, exceeds in amount the sum of fifty dollars.

**How penalties to be paid.**

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1877.

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[*Published March* 26, 1877.]

## CHAPTER 132.

AN ACT relating to the trial of certain criminal cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority of court to exclude bystanders in certain cases.

SECTION 1. On the preliminary examination of every person charged with the offense of rape, assault with intent to commit rape, seduction, adultery, bastardy, or any other offense against chastity, morality or decency, it shall be in the discretion of the court to exclude from the place of trial all bystanders and other persons not officers of the court or otherwise required to be in attendance.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1877.

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[*Published March* 16, 1877.]

## CHAPTER 133.

AN ACT concerning the acknowledgement of certain deeds.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

What to be considered proper acknowledgement of deeds and other instruments executed in another state.

SECTION 1. All deeds, mortgages or other instruments in writing, relating to real estate situated within this state and which shall have been of record in the office of any register of deeds before this act shall take effect, purporting to have been acknowledged or proved without this state, and having upon them substantially the ordinary form of certificate of acknowledgement or proof, purporting to have been signed by some officer in another state or county, shall be deemed *prima facie* in all legal proceedings to have been ac-

knowledged or proved (as the case may be) before the proper officer, and in conformity with the laws of such state or county where they purport to have been acknowledged or proved; and the records of all such deeds, mortgages or other instruments, certificate of acknowledgement and proof, may be read in evidence in like manner and with the same effect as the originals, notwithstanding the omission of a certificate of authentication, as required by sections ten and eleven of chapter eighty-six of the revised statutes.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1877.

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[*Published March* 16, 1877.]

## CHAPTER 134.

AN ACT relating to cemetery associations.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Cemetery associations organized under the laws of this state, may purchase, or take by gift, and hold personal property to an amount not exceeding ten thousand dollars, may use or sell the same, and apply the proceeds to promote the object of the association. Such association may also take and hold in trust, and loan or invest money or other property, for the purpose of using and expending the income arising therefrom, for the embellishment and keeping in repair such lot or lots and their surroundings in said cemetery, as the donor may designate; and when the cemetery grounds of such associations are situated near to or adjoining and situate without the limits of any city of more than ten thousand inhabitants, such associations may purchase, or take by gift, and hold without the limits of such city, not exceeding sixty acres of land situated without the limits of such city, to be used exclusively as a cemetery for the burial of the dead.

**Authority of cemetery associations to purchase and hold personal property.**

**May hold land.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1877.

[*Published March* 16, 1877.]

## CHAPTER 135.

AN ACT to empower the board of trustees of any incorporated village, or the common council of any city, to prescribe the duties and qualifications of street commissioners.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Board of trustees may appoint street commissioner.**

SECTION 1. The board of trustees of any incorporated village, heretofore or hereafter organized under any general or special law of this state, may by ordinance or resolution provide for the appointment or election of a street commissioner, and prescribe his powers and duties and the amount of his salary.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1877.

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[*Published March* 12, 1877.]

## CHAPTER 136.

AN ACT to lay out and establish a state road from the village of Hancock, Waushara county, to the town of Strong's Prairie, in Adams county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Commissioners to lay out state road.**

SECTION 1. E. Montgomery, John Barton, E. Henningsen and Henry Nyhus are hereby appointed commissioners to lay out and establish a state road from the village of Hancock, in the county of Waushara, to the town of Strong's Prairie, in Adams county, and a point in said town near the southeast corner of the town of Monroe in said last named county.

**Commissioners to make survey and plat.**

SECTION 2. Said commissioners shall make a survey and plot of said road, and shall cause a copy of the notes of said survey and of said plot to be filed and recorded in the office of the several town clerks of the towns through or into which said road shall be located and established.

**Per diem of commissioners.**

SECTION 3. Said commissioners shall each receive two dollars per day for the time actually and necessarily spent by them in laying out and establishing said

state road, which sum shall be in full for all services so rendered by them.

SECTION 4. The expenses of laying out, establishing and constructing said state road shall be borne by and paid by the several towns through or into which it shall be run or located and established, in proportion to the assessment valuation of such towns. **Towns to pay expense of laying out road.**

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 3, 1877.

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[*Published March* 16, 1877.]

## CHAPTER 137.

AN ACT relating to issuing tax deeds upon certain lands sold for taxes in Jackson county, but now in Wood county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The county clerk of Wood county, in the state of Wisconsin is hereby authorized and empowered to execute and deliver to the persons entitled thereto under and by virtue of the laws of this state, tax deeds upon all lands unredeemed from the tax sales of the years 1871 and 1872, made in Jackson county in said state, of the lands described in section 1 of chapter 33 of the private and local laws of 1872. **Authority to execute tax deeds.**

SECTION 2. Said county clerk of Wood county is hereby authorized and empowered to vary such deeds from the form of tax deeds prescribed by law, so far as to recite the facts that when the taxes for such year were assessed upon the lands described in such deed or deeds, and said lands were sold for the non-payment thereof, said lands were a part of and belonged to Jackson county, but at the time of the execution of such deed or deeds, said lands were a part of and belonged to Wood county, and that he, the said clerk, was authorized and empowered by this act to make such conveyance. **Duty of county clerk of Wood county.**

SECTION 3. Such deeds so issued by said clerk shall be as effectual to pass the title of the lands therein described, and in all other respects, as if all the proceedings from the assessment of the taxes in 1870 or in 1871, as the case may be, to the delivery of such deed **Deeds legalized**

or deeds, had been taken and had by the proper officers of said county of Wood, and as if said lands during all the time of such proceedings, had been in and a part of said county of Wood.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 3, 1877.

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[*Published March* 12, 1877.]

## CHAPTER 138.

AN ACT in relation to the appointments of Notaries Public, and amendatory of chapter 12 of the Revised Statutes, entitled "Of Notaries Public."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

Appointment of notaries public.

SECTION 1. Section 1 of chapter 12 of the Revised Statutes, entitled "Of Notaries Public," is hereby amended so as to read as follows: Section 1. The governor shall appoint in each organized county of the state one or more notaries public, who must be residents and qualified electors of the county from which they are appointed, who shall be considered state officers, and hold their offices for the term of four years.

Amended.

Requirements of notaries before entering upon duties of office.

SECTION 2. Section 2 of said chapter 12 of the Revised Statutes is hereby amended so as to read as follows: "Section 2. Every notary public, before he enters upon the duties of his office, shall take and subscribe the oath prescribed by the constitution of this state, and shall give a bond to the governor in the penal sum of five hundred dollars, with sufficient surety, to be approved by the county judge or the clerk of the circuit court of his county, conditioned for the faithful discharge of the duties of his office. He shall also provide an official seal, which shall make a distinct and legible impression on paper, giving his name, office and county, and shall deposit an impression of the same, together with said oath and bond, in the office of the secretary of state, whereupon the secretary of state shall furnish and deliver to such notary public a certificate of his appointment, stating the date when his commission will expire, which certificate shall be filed in the office of the clerk of the circuit court of the county where such notary resides, together with his autograph

Secretary of state to furnish certificate of appointment, which shall be filed in office of clerk of court.

and impression of his official seal. The notary public shall, at the time of his appointment, pay into the state treasury the sum of two dollars, which shall be in full for his commission and the certificate of the secretary of state. All certificates heretofore or hereafter made by clerks of courts as to the qualifications of notaries public, based upon the filing of their commissions in his office, previous to the passage of this act, shall be as valid and lawful, and shall have the same effect as though a certificate of the secretary of state together with such notary's autograph and an impression of his notarial seal had been filed with such clerk.

Certificates heretofore issued by clerks of courts legalized.

SECTION 2. It shall hereafter be the duty of the secretary of state to give not less than thirty days' notice by mail to every notary public, of the time when his commission will expire.

Duty of secretary of state to give notice.

SECTION 4. If any person shall, after the first day of May, 1877, knowingly act as a notary public, exercise any authority, or enter upon the discharge of any duty appertaining to such office, without being duly qualified according to law, he shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by a fine of not less than fifty nor more than five hundred dollars.

Penalty for acting as notary without proper authority.

SECTION 5. If any person shall be damaged or injured by the unlawful act, negligence or misconduct of any notary public, the person damaged or injured may maintain a civil action on the bond of such notary public, against such notary public and his sureties, and a recovery in such action shall not be a bar to actions on such bond for any other cause or causes, to the full amount of such bond.

Bond of notary liable for injury done by act of notary.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1877.

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[*Published March* 12, 1877.]

## CHAPTER 139.

AN ACT to provide for the alteration and the discontinuance of portions of the state road from Black River Falls, in Jackson county, to the city of La Crosse, in La Crosse county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. J. A. Johnson, Henry Davis and Frank Wauchter are hereby appointed commissioners to alter

Alteration of state road between Black

River Falls and La Crosse.

and discontinue portions of the state road from the village of Black River Falls, in Jackson county, to the city of La Crosse, in La Crosse county. Said alteration to be made in the towns of Melrose and Irving, in said county of Jackson, as follows, to-wit: Alteration No. 1: Commence in the center of said state road at a point about ten rods east of the section line on the east side of section 34, and in a northeasterly direction from the southeast corner of the northeast quarter of the southeast quarter of said section 34, town number 20, of range number 5 west, thence southwesterly on the most feasable route to intersect said state road again east of what is known as Plummer's Creek, and to take up and discontinue all of said state road between the two points above named. Alteration No. 2: Commence on the town line in the center of said state road, between towns number 20 and 19, near the northeast corner of the northwest quarter of the northwest quarter of section number 3, in township number 19, of range number 5 west, running thence west on said town line to the northwest corner of said section number 3, thence in a southwesterly direction, on the most feasible route to intersect the said state road survey in the northeast quarter of the northeast quarter of section number 4, in said town and range, and to take up and discontinue all of said state road lying between the two points above named.

Commissioners to make map of road and file with county clerk.

SECTION 2. After said commissioners have made said alteration, they shall make out a map or draft, as well of the parts discontinued, as of the alteration made, together with a survey bill of the same, and file them with the county clerk of Jackson county.

Per diem of commissioners.

SECTION 3. The said commissioners shall receive for making such alteration such compensation for their services, from Jackson county, as the supervisors of said county shall deem just and reasonable, but no money shall be paid out of the state treasury therefor.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1877.

[*Published March* 13, 1877.]

## CHAPTER 140.

AN ACT to authorize the town of Ahnapee to build and maintain a bridge across Ahnapee river.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The town board of supervisors of the town of Ahnapee, in the county of Kewaunee, are hereby authorized to erect and maintain a draw or turn-bridge across the Ahnapee river, to commence at the north end of Second street, in the village of Ahnapee, to a highway on the north side of said river, in the S. W. N. W., section 26, township 25, north of range 25 east. Authority to erect draw-bridge.

SECTION 2. Said bridge shall be erected with a draw or swing, with a space sufficient to admit with ease and facility the passage of the largest class of vessels. How same to be constructed.

SECTION 3. It shall be the duty of said town board of supervisors, when said bridge is completed, to keep the same in good repair, and to keep at all seasons of navigation sufficient manual force to open and close the same, so as to admit the passage of vessels and other watercrafts with the least possible delay. Town to keep bridge in repair

SECTION 4. The funds necessary to erect and maintain said bridge shall be raised by taxation upon all the taxable property in the said town of Ahnapee, to be levied and collected as other taxes in said town are levied and collected. Funds to be raised by taxation.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1877.

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[*Published March* 13, 1877.]

## CHAPTER 141.

AN ACT to authorize the commissioners of school and university lands to loan a portion of the trust funds of the state to the county of Polk.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The commissioners of school and university lands are hereby authorized to loan a portion Commissioners of S. and U.

lands may loan trust funds to Polk county.

of the trust funds of this state, not exceeding six thousand dollars, to the county of Polk, in this state, and the board of supervisors of said county is hereby authorized, in behalf of said county, to borrow any sum, by resolution of that body, not exceeding the amount above named, of said commissioners, and to issue to said commissioners certificates of the indebtedness so contracted. Such indebtedness shall bear interest at the rate of seven per cent. per annum, and said interest shall be paid annually, together with not less than one-sixth of the principal sum till the whole is paid; *provided*, that the amount of said bonds, including existing indebtedness, shall not exceed in the aggregate five per centum on the value of the taxable property of said county, to be ascertained by the last assessment for state and county taxes previous to the issue of said bonds.

Interest.

Secretary of state to add interest in apportioning state tax.

SECTION 2. Each and every year until the whole loan be repaid, the secretary of state shall, when he apportions the state taxes, among the several counties, add to the state tax which would be properly chargeable to said county of Polk, the annual interest due the state on such loan, together with six per cent. of the principal sum so loaned, and the same shall be levied and collected out of the taxable property of said county, and paid over to the state in the same way as other state taxes are collected and paid.

Duty of county board to levy tax for payment of interest and principal.

SECTION 3. At the time and in the manner provided for levying taxes for state and county purposes, the board of supervisors of said county of Polk shall levy the amount of money required for the payment of the annual interest and not less than one sixth of the principal sum loaned by the commissioners of school and university lands to the county board of supervisors of the said county of Polk, as provided for in the preceding section of this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 3, 1877.

[*Published March* 13, 1877.]

## CHAPTER 142.

AN ACT to legalize the acts of Frank Higgins, a justice of the peace in the county of La Fayette.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All the official acts heretofore done by Frank Higgins, as justice of the peace of the town of Wiota, in La Fayette county, are hereby declared to be as valid and binding in all respects, as though the said Frank Higgins had not moved his family out of said town. Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1877.

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[*Published March* 7, 1877.]

## CHAPTER 143.

AN ACT relating to the foreclosure of mortgages, and amendatory of chapter 145 of the revised statutes, entitled "Of actions for the foreclosure of a mortgage," and the acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. In all actions for the foreclosure of mortgages, heretofore or hereafter executed, in all such actions now pending, or hereafter commenced, if the plaintiff recover, judgment shall be rendered in his favor and against the defendant or defendants personally liable for the indebtedness which the mortgage was given to secure, with interest and costs, and the court shall, by its judgment, order a sale of the mortgaged premises or such part thereof as may be sufficient to discharge the amount due on the mortgage and the installments of principal and interest, if any, as they shall become due thereafter, with costs, and if any defendant shall appear and answer that any portion of the mortgaged premises is a homestead, it shall be the duty of the court to determine whether any portion of said premises is a homestead, and if the court shall so

When judgment to be rendered in favor of plaintiff.

Sale of premises.

find, it shall, in such manner as the court may direct, ascertain whether the part of the mortgaged premises, not included in the homestead, can be sold separately without injury to the parties interested, and if the court shall so find, then, and in that case, the judgment rendered shall provide that the homestead shall not be sold, or offered for sale, until all the other lands described in the judgment shall have been offered and sold.

Homestead not to be sold when judgment can otherwise be discharged.

Sheriff to execute deed.

SECTION 2. In all sales of mortgaged premises under and by virtue or any judgment hereafter made or rendered for the foreclosure of any mortgage heretofore or hereafter executed, the sheriff, deputy sheriff, referee or other officer or person making such sale, shall, on compliance with the terms of the sale, make, execute and deliver to the purchaser a deed of the premises so sold, setting forth each parcel of the lands or lots so sold, and the sum paid therefor, which shall vest in the said purchaser the same estate, and shall be as valid as if the same were executed by the mortgager and mortgagee to the same person, and shall constitute an entire bar against all parties to such action, and against their heirs respectively, and all persons claiming under them, and the purchaser, his heirs or assigns shall be let into possession of the premises so sold on production of such deed, or a duly authenticated copy thereof.

Premises not to be sold until one year from date of judgment.

SECTION 3. In sales of mortgaged premises, made upon judgments rendered under the provisions of thi act, the mortgaged premises shall not be sold until one year from the date of the judgment rendered in such action, unless all the parties to the action consent to an earlier sale.

Court shall enjoin defendants from committing waste.

SECTION 4. The court, in rendering judgment in such cases, shall, on motion, enjoin the defendants and all persons claiming under them, from committing waste or doing any other act that may impair the value of the mortgaged premises at any time between the date of the judgment and the date of sale of the mortgaged premises. In all such actions now pending, the plaintiff may, on eight days' notice, when an appearance has been entered, and without notice when no appearance has been entered, amend his complaint without costs, so as to demand the relief provided for by this act.

Amendment of complaint.

Interest on judgment.

SECTION 5. The judgment in such cases shall draw interest at the rate of ten per centum per annum from the date of judgment until the day of sale of mortgaged premises.

SECTION 6. It shall be lawful for the mortgager, his heirs, assigns or personal representatives, or any subsequent incumbrancer of the mortgaged premises, to redeem such judgment at any time before sale on paying to the clerk of the court in which such judgment is rendered, or to the holder or owner of said judgment or his attorney, the amount of such judgment and costs, and all subsequent costs and interest thereon and any subsequent incumbrancer redeeming said premises as aforesaid, shall be entitled to a lien on the mortgaged premises for the amount so paid to redeem said mortgaged premises, and shall be subrogated to all the rights of the plaintiff in said judgment.

Redemption of judgment.

Subsequent encumbrancer entitled to lien on premises.

SECTION 7. The officer or person making any such sale shall within ten days after making the sale file with the clerk of the court in which such jundgment shall be entered, a report of the sale, and immediately after the sale pay over to the parties entitled thereto or their attorneys, unless otherwise ordered by the court, the proceeds of such sale over and above his lawful fees and disbursements. Upon the filing of said report the clerk of said court shall credit the amount realized from such sale, over and above the legal costs of said sale, upon the judgment rendered in said action, and if the proceeds of such sale are insufficient to pay the amount due on the judgment, the plaintiff shall have execution for the balance remaining unpaid, and the judgment originally rendered shall not be a lien upon real estate until after the sale of the mortgaged premises.

Officer making sale to file report thereof and pay over receipts.

Clerk of court to credit amount realized from sale upon judgment.

Plaintiff to have execution for balance.

SECTION 8. Sales of mortgaged premises by virtue of any judgment, obtained before this act takes effect, may be made in accordance with the provisions of this act, or in accordance with the provisions of the law in force at the time such judgment was obtained. If a sale is made under the provisions of this act upon a judgment of foreclosure rendered before the passage of this act, said sale shall not be made until one year after the rendition of the judgment, and judgment for the deficiency, if any, shall be entered in accordance with the provisions of law in force at the time the original judgment of foreclosure was rendered.

Sales may be made under this act or under previous law.

SECTION 9. Sections one and two, of chapter one hundred and forty-five, of the revised statutes, entitled "Of actions for the foreclosure of a mortgage," and chapter one hundred and ninety-five, of the general laws of 1859, entitled "An act authorizing the redemption of lands sold under forclosure of mortgages, here-

Repealed.

after executed, by judgment or decree of court," and chapter 133 of the general laws of 1870, entitled "An act relating to homesteads, and amendatory of section 1, chapter 145, revised statutes," and all acts, or parts of acts, conflicting or inconsistent with this act, are hereby repealed.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 3, 1877.

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[*Published March* 21, 1877.]

## CHAPTER 144.

AN ACT to amend sub-division ten, of section eleven, of chapter 119 of the general laws of 1872, entitled "An act in relation to railroads, and the organization of railroad companies."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Sub-division 10, of section eleven, of chapter 119, of the general laws of 1872, entitled "An act in relation to railroads and the organization of railroad companies," approved March 22, 1872, is hereby amended so as to read as follows: "To borrow such sum or sums of money at such rates of interest and upon such terms as said company or its board of directors shall authorize and agree upon, and may deem necessary or expedient, and to execute one or more trust deeds or mortgages, or both, as occasion may require, on any railroad or railroads constructed or in process of construction by said company, for the amount or amounts borrowed or owing by such company, upon such terms and in such manner as such company or its board of directors shall deem expedient; and such company may make such provisions in such deed or mortgage for pledging or transferring their railroad track, right of way, depot grounds, rights, privileges, franchises, immunities, machine houses, rolling stock, furniture, tools, implements, appendages and appurtenances used in connection with such railroad or railroads in any manner whatever then belonging to said company, or which shall thereafter belong to it, as security for any bonds, debts, or sums of money that may be secured by such trust deed or mortgage as they shall

May borrow money and execute trust deed or mortgage.

May make provisions for transfer of railroad.

think proper; and in case of sale of any railroad or railroads, or any part thereof, constructed or in process of construction by any railroad company, on or by virtue of any trust deed or on any foreclosure of any mortgage thereupon, the party or parties acquiring title under such sale, and their associates, successors and assigns, shall have and acquire thereby, and shall exercise and enjoy thereafter all and the same rights, privileges, grants, franchises, immunities and advantages in and by said mortgage or trust deed enumerated and conveyed, which belonged to and were enjoyed by the company making such deed or mortgage, or contracting such debt, so far as the same relate and appertain to that portion of said road, or the line thereof mentioned and described in and conveyed by said mortgage or trust deed, and no further, as fully and absolutely in all respects as the corporators, shareholders, officers and agents of such company might or could have done therefor had not such sale or purchase taken place; such purchasers, their associates, successors or assigns, may proceed to organize anew by filing articles of association and electing directors as provided in this act; and may distribute and dispose of stock, take the same or another name, and may conduct their business generally in the manner provided by this act; and such purchaser or purchasers and their associates shall thereupon be a corporation, with all the powers, privileges and franchises conferred by and be subject to the provisions of this act; *provided*, that if the parties purchasing at such foreclosure sale, and so organized anew as hereinbefore provided, own or represent a majority of the bonds secured by said mortgage or trust deed, and also include the persons who at the rendition of such judgment or foreclosure decree owned a majority of the capital stock of said company, the sale under such judgment or decree shall not be deemed or held to be such a sale within the meaning of any law of this state, particularly applicable to said company, as to deprive the parties so purchasing and organizing anew, or the company so organized of any special exemption, privilege or immunity granted by any law of this state to the company which executed such mortgage or trust deed and operating upon any of the property in such instrument described, embraced or referred to; but such parties so purchasing as in this proviso first mentioned, and the company organized by such purchasers shall have, possess and enjoy any such special exemption, privilege or immunity as fully as

**Purchasers may organize anew.**

**Transfer not to deprive purchaser of special exemptions and privileges.**

the company executing such mortgage or trust deed might or could have done if such foreclosure or sale had not taken place.

SECTION 2. This act shall take effect and be in force from and after the passage and publication.

Approved March 6, 1877.

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[*Published March* 20, 1877.]

## CHAPTER 145.

AN ACT to amend chapter 82 of the general laws of 1859, entitled "An act to provide for the more efficient punishment of certain offenses."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

Persons committed for vagrancy and criminal offenses may be sentenced to hard labor.

SECTION 1. Section 1 of chapter 82 of the general laws of 1859, is hereby amended so as to read as follows: "Whenever a y person shall hereafter be convicted in any court ot this state, of vagrancy, drunkenness, or of any criminal offense, and sentenced to imprisonment in the county jail, the court may also sentence such person to be kept at hard labor during the term of his or her imprisonment, either within or without the jail, as hereinafter provided; and all persons who shall hereafter be convicted of any offense, in any court of this state, and sentenced to pay a fine, and shall, in default of payment of such fine, be committed to jail, may, during the term of such imprisonment for default of payment of such fine, be sentenced to be kept at hard labor."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1877.

[*Published March* 20, 1877.]

## CHAPTER 146.

AN ACT relating to court commissioners, their appointment, powers and duties, and amendatory of section 94 of chapter 13 of the Revised Statutes, entitled "Of counties and county officers," and the several acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The circuit courts and circuit judges, in vacation in each of the judicial circuits of this state, may appoint in each of the organized counties of their respective circuits the number of court commissioners to which such counties are entitled under the laws of this state, and each court commissioner hereafter appointed shall hold his office during the term of office of the circuit judge who appointed him, and until his successor is appointed and qualified, unless sooner removed by such court or judge, or his successor in office. Each court commissioner, upon being appointed as aforesaid, shall take and subscribe the oath of office prescribed by law for other county officers, and such appointment and official oath shall be attached together and filed in the office of the clerk of the circuit court of the county in which such commissioner resides, before such commissioner shall exercise any of the powers or duties of his said office. Every court commissioner heretofore or hereafter appointed shall have power to issue subpœnas for witness to come before him, and to issue attachments and other necessary process to compel their attendance, in case of disobedience thereof, to administer oaths, take depositions and testimony in civil actions, where the same is authorized by law, or provided by rule or order of the circuit court, or by any other court having jurisdiction of such actions, to return and report such depositions and testimony to such courts; he may take and certify the acknowledgment of deeds and other instruments in writing, and solemnize marriages within the county for which he is appointed. He may state accounts between parties, referred to him by order of court, may order and determine upon the amount and sufficiency of bail, allow writs of *habeas corpus*, *ne exeat*, and grant orders of injunction. He shall have, and may exercise, within his county, the powers and authority of a circuit judge at chambers, in any civil action in the circuit court,

**Appointment of court commissioners.**

**Term of office, and how commissioners to qualify.**

**Powers of court commissioners.**

(except as otherwise provided by law) and may do such other things and perform such other duties as are required or authorized by the circuit court, or as are necessary and proper for the full exercise of the powers hereby granted; but his orders may be reviewed by the circuit court, as provided by law, and the rules and practice of the court.

**Construction of act.**

SECTION 2. This act shall not be construed to prohibit the appointment of more than three court commissioners in any county where the same is now authorized by any law of this state, or to repeal such law.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1877.

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[*Published March* 22, 1877.]

## CHAPTER 147.

**AN ACT relating to the Madison Mutual Insurance Company, and amendatory of chapter 329, private and local laws of 1863.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Amended.**

SECTION 1. Chapter three hundred and twenty-nine of the private and local laws of 1863, entitled "An act to amend chapter two hundred and thirteen of the private and local laws of 1859, entitled 'An act to amend chapter three hundred and ninety-four of the laws of 1851, entitled 'An act to incorporate the Madison Mutual Insurance Company,'" is hereby amended as follows: Section 1. The third section of chapter 394 of the laws of 1851, entitled "An act to incorporate the Madison Mutual Insurance Company," is hereby amended so as to read as follows: Section 3. Every person who shall at any time become interested in said company by insuring therein, and the administrators or assigns of said persons continuing to be insured therein, agreeable to the provisions of this act, where a premium note has been given on account of the percentage paid for premiums on such insurance subject to assessment, shall be deemed and taken to be members of said company for and during the term of their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act,

**Policy holders to be deemed members of company only during life of policy.**

also any person who shall deposit as a part of the guaranty fund as hereinafter provided, with said company, any sum of money, or in lieu thereof bonds or other collateral of the full value of the money subscription to be approved by the executive committee, and in sums not less than one hundred dollars, shall be deemed and taken to be members of said company and entitled to all the privileges thereof. The said company is hereby authorized and empowered on such terms under this act as its board of directors may see fit, to receive subscription and deposit of a guaranty fund of one hundred thousand dollars or more, as a further security to its policy holders, and to issue certificates in such form as the directors may prescribe to the depositors thereof, entitling them to the privileges of membership and depositors. The money, bonds or other securities so deposited shall be held by the company in trust for the persons making such deposit, and such person shall be entitled to and shall receive the interest or earnings of such money, bonds or other securities, and such earnings of the company, if any, as shall be from time to time divisible as profits under any law of this state in return for such guaranty fund deposited, the same being deposited with the company and held by it as a guaranty fund for any and all liabilities against said company, and deemed a part of the assets thereof, but shall only be applied in payment of such liability after all other assets of the company, except the premium notes taken previous to the passage of this act, shall have been exhausted. The said deposits and the certificates thereof shall be assignable or transferable in such manner as shall be provided by the by-laws, and the moneys or proceeds of such deposits collected from time to time may be reinvested in any manner that it is permitted to invest the funds of the company, and as the directors shall order, or the company may purchase the same from its surplus, and it shall be lawful for said company to reinsure its risks in any solvent company authorized to transact business in this state, to the satisfaction of the insured or the approval of the secretary of state. Whenever the amount of one hundred thousand dollars shall have been deposited, the secretary of the company shall call a meeting of the members thereof, at the office of said company, by publishing a notice in one or more of the daily papers of Madison, ten days prior to the time of such meeting, for the purpose of electing, and they shall have power to elect a board of directors, of such

**Subscriptions for guaranty fund authorized.**

**How money and proceeds may be invested.**

**Duty of secretary to call meeting.**

members, not less than five nor more than nine, as a majority of the members, including the above mentioned depositors, present, shall by resolution determine. The directors first elected shall be classified into three classes by lot, so that the term of one class shall expire on the third Wednesday of January, 1878, the second one year, and the third two years thereafter, but all shall hold until their successors are elected; and there shall be an annual election on the third Wednesday in January in each year, to elect directors to fill vacancies and terms then expiring. The business and property of the company shall be managed by the board of directors so elected. The company shall have power in their discretion to make any and all insurance which it is or may hereafter be authorized to make to any person or persons with whom it may agree to that effect, for a specific rate of premium, to be paid in cash in the same manner and to the same extent that insurance companies, other than mutual insurance companies, are accustomed to do, and may lawfully do under any laws of this state, and in all such cases the insured shall not become a member of the company, or be in anywise entitled to any share of the profits, premiums nor earnings, nor in anywise liable for the losses, debts or liabilities of said company, and all premiums received for such insurance shall be passed to the general credit of the company, and all losses growing out of said special policies, shall be paid in like nanner as losses under ordinary policies of the company. The annual meeting for the electing of directors shall be held on the third Wednesday of January, in each year, at the office of the company, in the city of Madison, Wisconsin, at such hours of the day as the board of directors for the time being shall designate, of which election public notice shall be given in one or more of the newspapers published in the city of Madison, at least thirty days preceding such election, and such election shall be holden under the inspection of the board of directors, and such election shall be made by ballot and by a plurality of the votes of the members present, or their proxies, allowing one vote for every one hundred dollars each member shall have insured in said company; and each dollar subscribed shall represent one hundred dollars insured, and equal the premium note given for that amount of insurance, and entitle such subscriber to one vote, and any member may vote in person or by proxy, at his pleasure, at any election of directors of said company, including

**Authority of company to insure for specific cost premium, and persons so insuring not liable as members.**

**Annual meeting.**

the first election herein authorized, after the subscription of such guarantee fund, and his membership shall be ascertained by the records and entries in the office of said company, or by certificates above stated, and no oath shall be administered to any member offering to vote in person, or required to be attached to his appointment when offering to vote by proxy.

SECTION 2. All acts or parts of acts conflicting with the provisions of this act, are hereby repealed. **Repealed.**

SECTION 3. This act shall take effect from and after its passage.

Approved March 6, 1877.

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[*Published March* 20, 1877.]

## CHAPTER 148.

AN ACT to amend chapter 139 of the laws of 1875, entitled "An act to amend section 3 of chapter 78, of the general laws of 1867, entitled 'An act for the preservation of game.'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter one hundred and thirty-nine of the laws of the laws of 1875, entitled "An act to amend section three of chapter seventy-eight of the general laws of 1867, entitled 'An act for the preservation of game,'" is hereby amended so as to read as follows: Section 3. No person or persons shall kill, or take by any device, or means, or contrivance whatever, any deer, buck, doe or fawn, between the first day of January and the fifteenth day of September. No person, corporation, railroad or express company, or agent or employe thereof, shall have in his or their possession for the purpose of transportation or otherwise, any deer, buck, doe or fawn, between the fifteenth day of January and the fifteenth day of September; and every person or persons, corporation or company, and every agent or employe thereof, who shall violate the provisions of this act, upon conviction thereof shall be subject to a penalty of ten dollars for each and every deer, buck, doe or fawn, or skin, or piece thereof, killed, taken, sold, exposed for sale, or had in possession, except it be shown that the same was taken between the fifteenth day of September and

**Amended.**

**When unlawful to kill deer, or have same in possession.**

**Penalty for violation of act.**

the fifteenth day of January, contrary to the provisions of this act, together with the costs of prosecution.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1877.

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[*Published March* 21, 1877.]

## CHAPTER 149.

AN ACT relating to corporations organized under the laws of this state, and amendatory of section 8 of chapter 146 of the laws of 1872, of an act entitled, "An act to authorize the organization of corporations for other than manufacturing, mercantile, insurance, banking, transportation or trading purposes," approved March 25, 1872.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 8 of chapter 146, laws of 1872, is hereby amended by adding to said section 8 the following: The officers and managers of any institution organized pursuant to this act shall receive and take into such institution all children which are committed thereto, and shall cause all children in such institution to be instructed in such branches of useful knowledge as may be suited to their years and capacities, and shall especially cause the girls to be taught domestic avocations, sewing, mending, knitting and housekeeping in all its departments, with the common branches of education. The officers of any such institution shall have power in their discretion to bind out any child committed to it as apprentices or servants during their minority, to such persons and to learn such proper trades and employments as in their judgment will be most for the future advantage of such child. Such officers may also in their discretion give away to any suitable person for adoption any such child during its minority. All and singular the provisions contained in chapter 113 of the revised statutes, entitled "Of masters and apprentices," shall apply to the apprentices and servants and to the person or persons to whom they shall be bound by virtue of this act, and every minor so bound and the officers binding him, and the person or persons to whom such child is bond, shall be subject to all the provisions of said chapter.

Institutions may adopt and educate children.

Power of officers to bind out children.

Chapter 113, R. S., to apply.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1877.

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[*Published March* 16, 1877.]

## CHAPTER 150.

AN ACT to amend chapter 321 of the laws of 1874, entitled "An act to amend an act entitled 'An act to incorporate the city of Grand Rapids.'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 19 of chapter 321, of the laws of Wisconsin for the year 1874, entitled "An act to amend an act entitled 'an act to incorporate the city of Grand Rapids,'" approved March 12, 1874, is hereby amended so as to read as follows: Section 19. Section 10 of chapter 247 of the private and local laws of 1869, is hereby amended so as to read as follows: Section 10. The mayor and aldermen of said city shall not directly or indirectly vote or appropriate to themselves any money or funds of said city, as compensation for their services, nor shall said mayor or aldermen or the city treasurer of said city be entitled to any compensation for their services; *provided*, the common council may, in their disretion, appropriate to the city treasurer a sum not exceeding one hundred dollars for services as such treasurer in any one year; *and provided further*, that no such appropriation shall be made for services rendered as such city treasurer during any year previous to the year commencing April 1st, 1875.

**Amended.**

**City officers, except treasurer, to receive no remuneration.**

SECTION 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1877.

[*Published March* 13, 1877.]

## CHAPTER 151.

AN ACT to appropriate to the state prison a sum of money therein named for current expenses and general repairs.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated to the state prison, out of any money in the general fund not otherwise appropriated, the sum of thirty-two thousand dollars; being in full for the following purposes: Twenty-four thousand dollars to pay current expenses; and eight thousand dollars for general repairs.

How money to to be drawn.

SECTION 2. All sums of money appropriated to the prison by this act may be drawn by the warden quarterly, in advance, upon the order of the directors, to be filed in the office of the secretary of state; *provided*, that such order shall be accompanied by an estimate approved by said directors, of the expenses of the ensuing quarter, which estimate shall determine the amount to be drawn for such quarter.

SECTION 33. This act shall take effect and be in force from and after its passage.

Approved March 6, 1877.

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[*Published March* 13, 1877.]

## CHAPTER 152.

AN ACT to appropriate to Sylvester G. H. Crocker the sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated to Sylvester G. H. Crocker, out of any money in the state treasury not otherwise appropriated, the sum of two hundred and ten dollars and forty cents, being the amount of extra pay due him according to the provisions of chapter 8, of the general laws of the extra session of 1861, as amended by chapter 112 of the general laws of 1862, for his services as a private

soldier in company B of the First regiment of Wisconsin cavalry, from the 24th day of August, A. D. 1861, to the 20th day of February, A. D. 1865, together with interest thereon.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1877.

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[*Published March* 20, 1877.]

## CHAPTER 153.

AN ACT to provide for the action of the commissioners of school and university lands in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

When lands sold by mistake or through fraud, sale to be void.

SECTION 1. When any school, university or swamp lands are sold by mistake, fraud, or not in accordance with law, such sale shall be void, and no certificate of sale issued thereon shall be of effect; the holder of any such certificate may be required to surrender the same to the said commissioners, who shall thereupon refund to such holder, his attorney or other legal representative, the amount paid for said illegal certificate, with interest thereon to the date of such repayment, together with such sum as damages as is provided for in section two of this act.

Power of commissioners to revoke certificates when sale is found to be illegal.

SECTION 2. Whenever the commissioners of school and university lands of this state are satisfied that they have sold any school, university or swamp land, by mistake or illegally, and have issued certificates in such cases, or signed any patents therefor that have been delivered to purchasers, and that wrong and injustice may have been done or damages incurred in consequence of such issue and delivery of certificates or patents, such commissioners are authorized and empowered, upon the application and request of the holder of such certificate or patent, his attorney or legal representative, which application shall be filed in the office of the secretary of state, to revoke and annul the same, and they shall thereupon refund to such purchaser, patentee, or attorney or legal representative, the amount paid to the state, with interest to the date of such repayment, and such sum for damages, costs and expenses as shall be shown to the satisfaction of said commissioners, by oath or other competent evid-

Money of purchaser to be refunded.

ence, has been sustained or necessarily incurred by such purchaser or patentee before notice of such illegal sale or void patent; *provided*, that the commissioner shall not have authority to allow such damages, costs and expenses in any one case more than the sum of one hundred dollars.

Appropriation.

SECTION 3. There is hereby appropriated out of the general fund a sufficient sum to pay any claims allowed by said commissioners under this act, and all acts or parts of acts in conflict with this act are hereby repealed.

SECTION 4. This act shall take effect from and after its passage.

Approved March 6, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 154.

AN ACT concerning town boards of review.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Persons aggrieved may produce witnesses before board of review.

SECTION 1. At the meeting of any town board of review, to equalize the assessment of the property of such town for taxation, it shall be lawful for any person who, feeling aggrieved by said assessment, shall appear before such board for the purpose of asking corrections of such assessment, to call witnesses in support of his application, and such witnesses may be compelled to appear and testify, and for that purpose any justice of the peace of the county shall, on application, issue subpœnas; *provided*, that no witnesses shall be compelled to appear unless upon being first paid or tendered the same fees as witnesses in justice court are entitled to; *and provided further*, that upon payment of such fees, any person, whether a member of the board of review or not may be compelled to appear and testify in behalf either of the town or of any person asking reduction of the valuation of his property.

Person may give evidence as to other property.

SECTION 2. Any person making such application shall be entitled to give evidence not only of the value of his own property, but of any other property included in such assessment roll, which he may claim is assessed too low.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1877.

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[*Published March* 20, 1877.]

## CHAPTER 155.

AN ACT limiting the term of imprisonment of persons committed to jail for non-payment of fines.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Person imprisoned for non-payment of fine may make petition to justice.

SECTION 1. Whenever any person is committed to the county jail in any county in this state for non-payment of any fine assessed against him or her by any justice of the peace of said county, on a trial and conviction had before such justice, for a criminal offense, and such person so imprisoned for non-payment of such fine shall make petition on oath to the justice of the peace by whom he or she was committed, or to any other justice of the peace of the county, stating his or her inability to pay such fine, it shall be the duty of such justice to whom such petition is addressed to immediately inform some other justice of the peace of said county of the fact of such petition being made, and the two justices shall fix upon a day for hearing said petition, and notify the petitioner of the day and hour and place of hearing such petition, and also notify the sheriff.

Duty of sheriff to produce prisoner before justices.

SECTION 2. It shall be the duty of the sheriff of the county where such person is imprisoned, or the keeper of the jail, to produce such prisoner before said justices at the place fixed upon for the hearing of such petition.

Justices to hear testimony, and, if found sufficient, discharge prisoner.

SECTION 3. At the time set for hearing the petition, the said justices shall attend and receive such testimony as may be adduced in favor of such prisoner, and also such as the district attorney of the county may offer against such application for the discharge of such prisoner, and if upon the examination they are satisfied that such prisoner is a poor person, and unable to pay the fine assessed against him or her, they shall order his or her discharge from prison, upon such prisoner

having been confined in such jail, as is provided in the next section of this act.

When prisoner to be discharged.

SECTION 4. Persons imprisoned for non-payment of fine, may be discharged from imprisonment by such justices of the peace, under the provisions of this act, only upon having been confined in such jail as follows:

On imprisonment for non-payment of fine of five dollars, ten days.

On fine of ten dollars and above five dollars, fifteen days.

On imprisonment for non-payment of fine over ten dollars and not over twenty dollars, thirty days.

On imprisonment for non-payment of fine over twenty and not over thirty dollars, forty days.

On imprisonment for non-payment of any sum over thirty dollars, the person imprisoned may be discharged in the manner now provided by law.

On imprisonment for non-payment of fine over thirty dollars and not over forty dollars, sixty days.

For the non-payment of any fine exceeding forty dollars, seventy-five days.

Fees of sheriff and witnesses.

SECTION 5. The fees of sheriff, witnesses and justices of the peace in the proceedings under this chapter, shall be the same as is allowed for services in criminal cases, excepting that each of the justices shall be allowed two dollars for each day spent in hearing the application.

Repealed.

SECTION 6. All acts and parts of acts, contravening the provisions of this act, are hereby repealed.

SECTION 7. This act shall take effect and be in force from the date of its passage and publication.

Approved March 6, 1877.

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[*Published March* 13, 1877.]

## CHAPTER 156.

AN ACT to authorize the state treasurer to retain certain moneys belonging to Taylor county, and to pay the same over to the county of Lincoln.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

State treasurer to retain money from Taylor

SECTION 1. The state treasurer is hereby authorized and required to retain any and all moneys that may

come into his hands from the delinquent taxes collected on state lands located in the present territory of Taylor county, or that are now in his hands belonging to said Taylor county from said delinquent tax, not exceeding in amount the sum that has already been paid over to said Taylor county by said treasurer, collected from lands in said Taylor county that heretofore belonged to Lincoln county, and to hold the same until the said counties of Taylor and Lincoln shall settle and adjust all differences existing between said counties in relation to moneys accruing from the collection and distribution of said delinquent taxes, and then to pay the same in accordance with said settlement.

county and pay same to Lincoln county.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1877.

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[*Published March* 13, 1877.]

## CHAPTER 157.

**AN ACT relating to the reduction of the price of swamp and overflowed lands in Jackson county.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The commissioners of school and university lands are hereby authorized and required to reduce at once the price of all swamp and overflowed lands now owned by the state in Jackson county, and that have not been once sold, and all such lands that have been once sold and forfeited to the state, and are now held by the state, to the uniform price of fifty cents per acre, with the amount of unpaid taxes added thereto; *provided*, that the above reduction shall not apply to any of said lands now under contract, and which may hereafter become forfeited to the state, until the expiration of two years after such forfeiture.

Duty of commissioners to reduce price of swamp lands.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1877.

[*Published March* 20, 1877.]

# CHAPTER 158.

**AN ACT to submit to the people an amendment of section 2 of article VIII of the constitution of this state.**

## PREAMBLE.

**Preamble.** WHEREAS, The legislature of this state at its annual session for the year 1876, proposed and adopted by a vote of a majority of all the members elected to each of the two houses thereof, an amendment to the constitution of this state, in the following language:

**Resolution.** *Resolved by the senate, the assembly concurring*, That section 2 of article VIII of the constitution of this state be amended so as to read as follows: Section 2. No money shall be paid out of the treasury except in pursuance of an appropriation by law. No appropriation shall be made for the payment of any claim against the state, except claims of the United States, and judgments, unless filed within six years after the claim accrued. Approved March 9, 1876; and

**Preamble.** WHEREAS, The foregoing proposed amendment to the constitution of this state was duly ratified and agreed to by the legislature of 1877, by a majority of all the members elected to each house, and was duly approved; therefore,

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Proposed amendment to be submitted to vote of people.** SECTION 1. The foregoing proposed amendment to the constitution of this state shall be submitted to the people at a general election to be held on Tuesday succeeding the first Monday of November, 1877, and if the people shall approve and ratify the said amendment by a majority of the electors voting thereon, said amendment shall become a part of the constitution of this state.

**Form of ballot.** SECTION 2. The form of the ballot in voting to approve and ratify said amendment shall be "for the amendment," and the form of the ballot against said amendment shall be "against the amendment," which shall be on a separate ballot, and said ballots on said amendment shall be cast in a separate box to be provided for that purpose, and all persons qualified to vote at any election in this state shall be deemed voters on this question.

SECTION 3. The votes cast for or against said amendment shall be counted and returned by the inspectors of the election in all respects as votes for state officers are counted and returned, and the officers in counties now designated by law to canvass the returns of votes for state officers shall canvass the returns in their respective counties on this question and certify and return the result to the state canvassers at the same time and places and under the same regulations and restrictions now provided by law for canvassing and declaring the returns for elections of state officers and the state canvassers shall canvass said returns certified to them as provided by law in case of elections for state officers. **Return and canvass of votes.**

SECTION 4. Within three days after the determination of said canvass by the state canvassers, they shall certify the result thereof to the governor, who shall thereupon without delay make proclamation of the result. **State canvassers to certify result, and governor to make proclamation.**

SECTION 5. The secretary of state is hereby required to include the substance of this act in the notice of the general election for the year 1877. **Duty of secretary of state.**

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1877.

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## CHAPTER 159.

**AN ACT appointing four trustees for the Galesville University, and authorizing the General Assembly of the Presbyterian church in the United States of America to appoint eight trustees therefor, also repealing section 1 of chapter 11 of the private and local laws of 1862, and chapter 259 of the private and local laws of 1870.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. That George Gale, Rockwood McQuesten, J. C. D. Bruynkops, and Alex. A. Arnold are hereby appointed and constituted four of the trustees of the Galesville University, to hold their office for one year, or until such time as others shall be appointed in their place, as provided for in section two of this act. **Appointment of trustees.**

SECTION 2. The Presbytery of Chippewa, which is in connection with the "General Assembly of the Presbyterian church in the United States of America," **Appointment of visitors.**

is hereby authorized and empowered to annually appoint four visitors, who shall be *ex officio* members of the board of trustees of the Galesville University, and shall severally hold their offices for the term of two years, and until the election or appointment of their successors; *provided*, that the members of the said board of trustees shall not exceed the number of fifteen at any one time; the second appointments made under this section to take the place of the four trustees named in the first section of this act.

Repealed.

SECTION 3. Section 1 of chapter 11 of the private and local laws of 1862, and the amendment made thereto, as made by chapter 259 of the private and local laws of 1870, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 6, 1877.

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[*Published March* 16, 1877.]

## CHAPTER 160.

AN ACT to amend the city charter of the city of Fond du Lac, and to repeal sections 12 and 15 of chapter 5 of chapter 59 of the private and local laws of 1868, chapter 474 of the private and local laws of the year 1871, and all acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one of chapter three of chapter fifty-nine of the private and local laws of the year 1868, is hereby amended so as to read as follows: Section 1. The municipal government of the city shall consist of a common council, composed of the mayor and two aldermen from each ward, one of whom shall be designated as chairman. The other officers of the corporation shall consist of a comptroller, city clerk, city treasurer, city attorney, fire marshal and assistants, superintendent of schools, chief of police and policemen, a sealer of weights and measures, a city surveyor, one fire warden, three justices of the peace, and three constables from the city at large, one assessor, and one school commissioner for each ward, and such other officers and agents as may be provided for by this act, and such as the common council may from time to time deem necessary to appoint.

Municipal government—in whom vested.

SECTION 2. Section two of said chapter three is hereby amended so as to read as follows: Section 2. The mayor and city treasurer shall be elected for one year by the electors of the city at large at the annual municipal election. The justices of the peace and constables shall be elected by the electors of the city at large at the municipal election, and shall hold their offices for the term of two years and until their successors are elected and qualified. Three aldermen shall be elected at the next annual municipal election, one to be designated as chairman for one year, who shall be a member of the council, one for two years to be so designated, who shall be a member of the council the first year and chairman and member of the council the second year, one for three years to be so designated, who shall be a member of the council the second year, and a member of the council and chairman the third year; one alderman shall be elected annually after the next municipal election, who shall hold his office for three years, shall be a member of the council the second year, and member of the council and chairman the third year. One assessor shall be elected annually at the annual municipal election. All other officers shall be appointed by the common council at the first regular meeting thereof, after the third Tuesday of April in each year, or as soon thereafter as such council may deem expedient; *provided*, that the mayor may appoint one or more secret or detective policemen whenever authorized so to do by a vote of the common council; *and provided further*, that the superintendent of schools shall be appointed by the board of education. The school commissioners shall hold their offices for two years, and until their successors are appointed; *provided*, that no school commissioners shall be appointed in the year 1877 to take the place of those whose terms expire in the year 1877, and that annually thereafter there shall be appointed four school commissioners, the first year one from each even numbered ward, the next year one from each odd numbered ward, and so on. All other officers, either elected or appointed, shall hold their office for one year, and until their successors are elected or appointed and qualified, subject to removal as in this act provided.

**Amended.**

**Election of officers.**

**Council to appoint certain officers.**

SECTION 3. Section twelve (12) of chapter five (5) of said chapter 59, is hereby repealed and the following is hereby substituted in the place thereof: "Section 12. No ward justices of the peace or constable shall hereafter be elected in the city, but instead thereof the

**Repealed.**

**Election of justices and constables.**

two justices of the peace and three constables hereinbefore mentioned, shall be elected from the city at large, at the next annual charter election hereafter, and at the annual charter elections every two years thereafter."

Repealed.

SECTION 4. Section fifteen (15) of chapter five (5) of said chapter 59, is hereby repealed, and the following is substituted in the place thereof: "Section 15. The justices of the peace elected under this act shall have the same jurisdiction and perform all duties of justices of the peace as provided by the general laws of the state, and in addition thereto they shall have jurisdiction in all cases arising under the ordinances passed by said city, unless therein otherwise provided; *and provided*, that no removal of the cause shall be had in any action arising under the city ordinances.

Jurisdiction of justices.

Duty of municipal judge and justices of the peace.

SECTION 5. At the expiration of the term of each of the several justices of the peace, and of the municipal judge now holding office in the city, it shall be the duty of each of them to immediately transmit and deliver to the nearest justice of the peace elected under the provisions of this act, all papers, books and records in actions then pending before them respectively, and the justice of the peace to whom the same are delivered shall thereupon have full power and jurisdiction to hear, try and determine such actions and to enforce any judgment recovered therein by execution, the same as though such action had been originally brought before him, and each of the justices of the peace who shall receive such books, papers and records is hereby authorized at any time after their receipt, to issue execution upon any judgment rendered by the justice of the peace from whom such papers, books and records are received, with the like force and effect as though issued by the justice who rendered such judgment.

How jurors to be selected.

SECTION 6. The chairman of each ward of the city shall annually, on the second Tuesday of April, furnish each of said justices a written list of at least ten names of persons whom the several chairmen aforesaid shall certify to be actual residents of their respective wards, and as they verily believe qualified to serve as jurors in courts of record, who shall act and serve as jurors in said justice courts, provided that no person's name shall be placed on more than one list. The names of the persons as returned on said lists shall be written on separate pieces of paper by the several justices and folded so as to conceal the same, and when so folded shall all be placed in a box. The written

lists and certificates aforesaid, shall be filed and kept by the several justices in their respective offices until new lists are furnished. When a jury is demanded in any case, the justice before whom the case is pending, shall direct an officer to draw, in his presence, eighteen names from the box, and the justice shall write down the names as drawn, and when so written down, each party, commencing with the party demanding such jury, may strike out, by alternate strikes, six names, and the justice shall issue a venire requiring an officer to summon the six persons whose names remain to appear, at the time and place mentioned therein, to make a jury for the trial of the action between the parties in the venire mentioned. If any of the jurors shall not attend at the time they are summoned to appear, the justice may order the officer to draw a sufficient number from the box to supply the deficiency, and issue a venire for their attendance. The names drawn from the box shall not be returned thereto until the jury is completed and sworn; *provided*, that if any justice before whom a case may be pending, in which a jury is demanded, have not a sufficient number of names in the jury box, he may cause a jury to be drawn or filled as now provided by law in justice courts.

**Justice to issue venire.**

SECTION 7. The constables elected under this act shall have all the powers and perform all the duties conferred or imposed upon constables by any law of this state, and neither the chief of police nor any police man of said city shall have authority to serve any writ, process or other paper, except in cases wherein the city is a party, and in such cases the fees for such service shall be paid into the city treasury. The bond to be given by such justices and constables shall be approved by the common council of the city.

**Powers and duties of constables.**

SECTION 8. The justices of the peace and constables elected under this act shall be entitled to receive as compensation for their several services the same compensation as is now allowed by law to justices of the peace and constables respectively, for similar services; *provided, however*, that the total amount to be received by either of said justices for fees in criminal cases and examinations brought before them, and to be paid by the county of Fond du Lac, shall not exceed the sum of three hundred dollars, and the total amount to be received by either of said justices for fees in actions for violation of the ordinances of the city of Fond du Lac, brought before them, and to be paid by the city of Fond du Lac, shall not exceed the sum of two hundred dollars.

**Compensation of constables and justices.**

Repealed.

SECTION 9. Chapter 474 of the private and local laws of 1871, chapter 94 of the private and local laws of the year 1872, section 3 of chapter 3 of chapter 59 of the private and local laws of the year 1868, section 8 of chapter 99, and chapter 163 of the general laws of the year 1875, are hereby repealed; *provided*, that nothing herein contained shall prevent the continuance in office or performance of their duties by any officer provided for by the acts which this act amends or repeals, until the expiration of the term for which they may heretofore have been elected or appointed.

Amended.

SECTION 10. Section eleven of chapter five of said chapter fifty-nine is hereby amended by striking out the words "and shall receive like fees," where they occur in the 6th and 7th lines of said section.

Amended.

SECTION 11. Section 1 of chapter 6 of said chapter 59, is hereby amended by striking out the second sentence in said section and substituting in place thereof the following "The mayor and two aldermen of said city when assembled shall constitute the common council."

Amended.

SECTION 12. Section 2 of chapter 13 of said chapter 59 is hereby amended by substituting in the place thereof the following: "Section 2. The aldermen of each ward shall have power to order, construct and build all sidewalks and cause them to be raised, lowered or placed on the established grade at the expense of the lots fronting on any such sidewalk or public square adjacent thereto by giving the owner or occupant of such lots twenty-four hours personal notice when the expense shall not exceed five dollars, and ten days notice as provided in said charter when the expense shall exceed five dollars and let the same to the lowest bidder, and issue certificates therefor against said lots."

Power of aldermen to build and repair sidewalks.

Duty of aldermen to make improvements.

SECTION 13. It shall be the duty of the aldermen of each ward to make improvements of all the public squares in their respective wards, and prohibit the same, except under their direction, and for the purpose of protecting the same and trees and shrubs thereon, for the public use, and to cause any and all permanent fences around the same to be removed, and to prevent any person from exclusively using or appropriating the same.

Incorporation of the Fireman's Benevolent Association.

SECTION 14. All persons who are now or may hereafter become members of the fire department of the city of Fond du Lac, and their successors, shall be and are hereby created, constituted and declared to be and

continue a body politic and corporate, under the name and style of the "Fireman's Benevolent Association of the city of Fond du Lac," and by that name they and their successors may and shall have perpetual succession, and shall be known in law, and shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded with, to defend and be defended in all suits and causes, both in law and equity, and in all courts, and said corporation is hereby vested with all the powers, authority and pivileges necessary to carry out and fulfil the objects of their association and corporation indicated by its corporate name.

General powers of same.

SECTION 15. Said corporation shall have and keep a common seal, and may alter the same at pleasure, and said corporation shall have and are hereby invested with full power and authority to acquire by purchase, gift, or otherwise to possess, be seized with, and enjoy property, both real and personal, not exceeding *fifty thousand* dollars, and to sell, rent, devise, convey or otherwise dispose of their real or personal property at their pleasure, and also to make and effect loans, borrow money for the use of said corporation, to issue notes and bonds for the payment of the same, and to make, execute and deliver any deed, mortgage or other instrument in writing, as the case may require.

The same.

SECTION 16. The members of this said corporation hereby incorporated shall have and are hereby invested with full power and authority to make, prescribe and establish such by-laws, rules and regulations as shall be necessary and proper for the government of its affairs and the regulations of the conduct of its members, and touching the management and disposition of the funds and property of said corporation and the election and displacing of its officers and filling vacancies in office and the admission and expulsion of members and touching every matter and thing necessary and expedient to the business and objects of this incorporation; *provided*, that such by-laws, rules and regulations shall not be inconsistent with the constitution of the United States or the constitution and laws of this state or in conflict with the charter of the city of Fond du Lac.

Officers of association.

SECTION 17. The officers of this association shall be a president, vice president, secretary, treasurer, board of directors and such other minor officers as the constitution and circumstances of the association may require, which said minor officers may be elected or appointed as the association may determine by its by-

laws, and said association may prescribe the powers and duties of its several officers and require such bonds for the performance of the same and with such penal sums as they may choose, and each fire engine, hook and ladder, hose, sack or other fire company, shall at their next annual election choose two of its members directors, one of whom shall hold his office for two years and one for one year, and annually thereafter shall choose one director for the term of two years, and such director shall hold said office until their successors are chosen and qualified in their stead, and all property, both real and personal, acquired by said corporation by gift, devise, purchase or otherwise shall be vested in said directors in trust for said association, and shall descend with all improvements and appurtenance to their successors in said office, and said directors by direction of said association shall make, execute, acknowledge and deliver all deeds of conveyance of any property, so held by them.

**Annual meeting of association.**

SECTION 18. There shall be an annual meeting of the members of said corporation on the first Monday of May in each year, at which time the president, vice president, secretary and treasurer shall be elected by ballot by a majority of the members present from their own body, and the officers elected shall hold their office for one year and until their successors shall be elected and qualified in their stead, but in case it shall at any time happen that an election of officers shall not be made on the said first Monday of May, the said corporation shall not be dissolved, but it may and shall be lawful to hold such election thereafter pursuant to public notice given in one or more of the newspapers published in said city, at least twelve days before the time of said election by the president of said corporation.

**Present officers of association.**

SECTION 19. Of this said corporation, Azro B. Taylor shall be president, George W. Casey vice president, Charles W. Green secretary, and Lyman F. Stowe treasurer, and who shall hold their respective offices until the first Monday of May next, and until their successors shall be elected and qualified in their stead, and also of this said corporation, C. M. Bowen and John C. Kenealy of fire company No. one, George W. Crosby and Henry Rosenow of fire company No. three, Wm. Hurly and Fred. J. Martin of fire company No. five, and Henry Dirkes and John Strause of hook and ladder company No. one, shall be the directors of said corporation, and hold said office until the 2d Monday

of May next, and until their successors are elected and qualified as provided in this chapter.

SECTION 20. All members of this association, who shall be active members of any fire engine, hook and ladder, hose or sack company in said city, shall be exempt from poll tax, serving on jury or military duty during the time they shall continue active members as aforesaid; *provided*, such membership shall not exempt from military duty in case of insurrection or invasion.

**Members exempt from jury duty and poll tax.**

SECTION 21. All moneys heretofore paid over to any person or persons by members of the fire department of the city of Fond du Lac, or paid by insurance companies or their agent or agents under the general laws of this state, and now in the hands of any such person (and not otherwise appropriated) shall belong to the said association, and the person or persons holding such money shall pay the same over to the treasurer of this said association, and in default thereof the said association may sue therefor in its corporate name. All moneys required to be paid by insurance companies under the general laws for the benefit of the fire department, shall hereafter be paid to the treasurer of this association for the benefit of said association.

**Moneys payable to association.**

SECTION 22. All funds received by and belonging to said corporation shall first be applied so far as necessary to the liquidation of any just and legal claim against said association, and after the payment of any and all such claims, said association may apply any of their funds to the relief of any such indigent or disabled firemen or their families, as may be deemed worthy of their assistance.

**How money to be applied.**

SECTION 23. The president, vice president, secretary and treasurer shall not be qualified to hold the office of director in this said association while holding said office.

**Officers not to become directors.**

SECTION 24. This act shall take effect from and after its passage and publication, except as limited in section 9 of this act.

Approved March 7, 1877.

[*Published March* 16, 1877.]

## CHAPTER 161.

AN ACT to amend an act to incorporate the State Fireman's Association of Wisconsin.

*The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 5 of chapter 484 of the private and local laws of 1866, is hereby amended by striking out the word "February," where it occurs in the second line of said section, and substituting in place thereof the word "September."

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 7, 1877.

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[*Published February* 28, 1877.]

## CHAPTER 162.

AN ACT to incorporate the city of New London.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

### CHAPTER I.

#### CITY AND WARD BOUNDARIES.

City boundaries.

SECTION 1. All that section of country in section one (1), section twelve (12), section thirteen (13), township number twenty-two (22), in the county of Waupaca in this state, and the west half of section six (6), section seven (7), and the northwest quarter of section eighteen (18), in township number twenty-two (22), north of range number fifteen (15) east, in Outagamie county in this state shall hereafter be known and distinguished by the name of the city of New London, and the inhabitants residing, or who may hereafter reside within said limits, are hereby created and constituted a body corporate and politic, by the name and style of the city of New London, and by that name may have perpetual succession, and shall be capable of

contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever, with power of purchasing, receiving, holding, occupying, and conveying real and personal estate, and shall have a common seal, and may change the same at pleasure, and shall have generally the powers by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specifically granted.

Ward boundaries.

SECTION 2. The corporate territory of said city described in the first section of this act, shall be divided into five (5) wards, in the manner following, to wit: All of that part of said territory which lies south of the center of Wolf river and east of the center of Smith street, and of a continuation thereof, to the south line of said city, and in the county of Waupaca, shall be the first ward; all of that part which lies north of the center of Wolf river, and east of Shawano street, and in the county of Waupaca, shall be the second ward; all of that part of said city which lies in the county of Outagamie, shall be the third ward; all of that part of the city which lies south of the centre of Wolf river, and west of the center of Smith street, and of a continuation of the south line of the city, in Waupaca county, shall be the fourth ward, and all of that portion of said city, which lies north of the centre of Wolf river, and west of the center of Shawano street, shall be the fifth ward.

Control of territory to be separate from towns of Mukwa, Hortonia and Liberty.

SECTION 3. It is hereby provided and expressly declared that all the territory within said corporation, and the general management and control thereof for said corporate purposes, shall be exclusive, separate and distinct from the town of Mukwa, Hortonia and Liberty, in all cases whatsoever.

## CHAPTER II.

### RIGHTS AND POWERS OF THE CORPORATION.

Rights and privileges of corporation.

SECTION 1. The people how inhabiting, and those who shall hereafter inhabit, within the district of country described in the preceding chapter, shall be a corporation of the name of the City of New London, and shall have the general powers possessed by municipal corporations at common and statute law, and in addition thereto shall possess the rights and privileges hereinafter specifically granted.

General powers of authorities.

SECTION 2. The authorities thereof shall have perpetual succession, and in the name of said corporation may sue and be sued, complain and defend in any court, make and use a common seal, and alter it at pleasure, and may receive by bequest, gift, grant, devise or purchase and hold and convey, contract, and be contracted with, such real and personal estate as the purpose of the corporation may require.

## CHAPTER III.

### ELECTIVE OFFICERS.

Elective officers.

SECTION 1. The elective officers of said city shall be a mayor, one alderman from each ward, a city treasurer, a chief of police, city clerk, city attorney, assessor, and one justice of the peace for the city at large, one supervisor to represent his ward in the board of supervisors of his county, one justice of the peace, and one constable, one street commissioner, to be elected by and for the first, third and fourth wards, and one for the second and fifth wards. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council: *provided*, further, the common council shall select from the supervisors elect, three supervisors in the county of Waupaca, and one in the county of Outagamie, to represent the city of New London in the county board of supervisors of the counties of Waupaca and Outagamie.

Terms of office.

SECTION 2. All elective officers except justices of the peace shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified; said justices of the peace shall hold their respective offices for two years, and until their successors are elected and qualified: *provided*, that the treasurer and assessor shall each be freeholders of said city, and no person who may have held the office of city treasurer shall be eligible to such office for the next succeeding term thereafter.

### ANNUAL ELECTIONS.

Annual elections.

SECTION 3. The annual election for ward and city officers shall be held on the first Tuesday of April of each year, at such place in each ward as the common council shall designate, and the polls shall be kept open from nine oclock in the forenoon until sundown,

and ten days previous notice shall be given by the city clerk, in the official paper of said city, of the time and place of holding such elections, and of the city and ward officers to be elected; *provided*, that upon the first annual election after the passage and publication of this act, the polls of election in the first ward shall be held at the place of last annual election in said ward; for the second ward, at the fire engine house; for the third ward, at usual place; for the fourth ward, at the wagon shop of John Hofman, and for the fifth ward, at the school house. And the village clerk of the village of New London is hereby required, and it is made his duty, to give the like notice of such election as is herein required to be given by the city clerk in like cases. The village trustees shall be inspectors of election in the wards created by this act in which they reside, and in case they are present at the time and place for opening the polls in such wards, the electors present shall only elect enough to form a board of three inspectors of election in each ward, and in case of the absence of said trustees at the time and place of holding said election, the electors present shall then choose three of their number as inspectors of election, who shall take the oath prescribed by the laws of the state before entering upon the duties of said office, and who shall appoint clerks and comply with all the laws in relation to elections, and make returns of the result of said election to the village clerk of the village of New London, within twenty-four hours after such canvass is completed. The village board of the village of New London shall within twenty-four hours after such returns are made, meet and canvass the entire vote of the city election, and declare the result thereof; and thereupon the village clerk shall give like notice to all persons elected, as is required of the city clerk by this act. In case the said village board shall not meet to make said canvass within twenty-four hours after the returns are made to the village clerk, then any court commissioner of the county of Waupaca, residing in New London, may call to his assistance two justices of the peace of the county of Waupaca, and shall canvass said returns and declare the result of said election, and the said village clerk shall give notice as aforesaid to the persons certified by said court commissioners and justices of the peace to be elected.

**Canvass and return of votes.**

QUALIFIED ELECTORS.

Qualification of electors.

SECTION 4. All persons entitled to vote for county and state officers and who shall have resided in the city for four months previous to the election, and for ten days within the wards where they offer to vote, shall be entitled to vote for any officer entitled to be elected under this law, and hold any offices hereby created: *provided, however*, that no person shall, either by election or appointment, hold any city office, unless such person is an actual resident of said city, and a legal voter thereof.

ELECTION BY BALLOT—TIE VOTE.

Vote to be by ballot.

SECTION 5. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. The votes for all elective officers shall be on one ballot, and shall be deposited in one ballot box. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting lots in the presence of the common council at such time and in such manner as they shall direct.

Tie vote.

INSPECTORS AND MANNER OF CONDUCTING ELECTIONS.

How election to be conducted.

SECTION 6. The election in said city shall be held and conducted by the alderman, supervisors and justices of each ward, who shall be the inspectors of elections, in their respective wards, and shall take the usual oath or affirmation, as prescribed by the general laws of this state, to be taken by the judges and inspectors of elections and shall have power to appoint clerks of such elections, and to administer the necessary oaths, and in case of the absence of any or all of the said officers at the time for the opening of the polls, the voters present shall elect some person or persons to act in their places as inspectors of election. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled as required by the law of this state regarding elections.

CHALLENGE OF VOTERS—OATHS—PENALTY FOR ILLEGAL VOTING—INSPECTORS TO KEEP LIST.

Oath of elector.

SECTION 7. If either of the inspectors shall suspect that any person offering a vote does not possess the

qualifications of an elector, or if such vote be challenged by an elector, the inspector, before receiving the vote of any such person, shall require him to take the following oath: You do solemnly swear (or affirm, as the case may be), that you are twenty-one years of age, that you are a citizen of the United States, or have declared your intention to become a citizen conformable to the laws of the United States on the subject of naturalization; that you have resided within the state of Wisconsin one year, (within this city ten (10) days, and within the ward in which you reside twenty-four (24) hours previous to offering your vote next preceding this election); that you have not voted at this election, and that you have made no bet or wager or become directly or indirectly interested in any bet or wager depending on the result of this election. And if the person offering to vote shall take such oath his vote shall be received; and if said person shall take such oath falsely he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon indictment or information, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than in the one in which he resides, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding one hundred dollars ($100), nor less than twenty-five dollars ($25). It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes, and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every such inspector and clerk shall be liable to indictment or information, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars ($500), nor less than one hundred dollars ($100). All such indictments or information shall be tried in the circuit court of the county of Waupaca or Outagamie.

Penalty for illegal voting and for making false returns.

CANVASS AND RETURN OF VOTES.

SECTION 8. When an election shall be closed, and the number of votes for candidates or persons voted

Canvass and return of votes.

for shall be counted and ascertained, the said inspectors shall make return thereof, stating therein the number of votes for each person, for each and every office, and shall deliver or cause to be delivered, such return to the city clerk within three days after any election. The common council shall, on the fourth day after such election, meet and canvass said returns, and declare the result, as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his respective election.

EXPULSION AND REMOVALS.

Expulsion and removal.

SECTION 9. The common council shall have power for due cause, to expel any of their own number, and to remove, for cause, from office any officer or agent under the city government, due notice being first given to the officer complained of. The mayor shall have power to suspend any police officer or watchman appointed by the council, when complained of, until the council shall take up his case, and dispose of it. He shall also have power to fill any vacancy thus created for the time being.

VACANCIES—WHEN OFFICE DEEMED VACANT.

When office deemed vacant.

SECTION 10. Any officer removing from the city or any ward officer removing from the ward, for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office and the common council shall proceed to fill such vacancy as herein provided.

VACANCIES—HOW FILLED.

How vacancy filled.

SECTION 11. Whenever a vacancy shall occur in the office of mayor, city clerk, city attorney, alderman, supervisor or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy, shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

SPECIAL ELECTIONS.

SECTION 12. Special elections to fill vacancies or for any other purpose, shall be held and conducted by the aldermen of such ward, in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be described by ordinance. Special elections.

SECTION 13. Should there be a failure by the people to elect any officer herein required to be elected, on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding the election first being given. When new election to be had.

FIRST ELECTION.

SECTION 14. The first election of officers under this act shall be held on the first Tuesday of April, 1877. First election.

## CHAPTER IV.

OFFICERS — POWERS AND DUTIES, OATH AND BOND.

SECTION 1. Every person elected or appointed to office under the provisions of this act, except justices of the peace, shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer taking the same with the clerk of the city. The treasurer, clerk, chief of police, and such other officers as the common council may direct, shall each, before entering upon the duties of his office, execute to the city of New London a bond, with two or more sureties, the aggregate amount of whose property within the state, above all their respective debts, liabilities and exemptions, as shown by their several and respective affidavits, attached to or endorsed on such bond, shall be at least double the sum named as penalty in such bonds. Said bonds shall contain such penal sum and such conditions as the common council may deem proper, and shall be subject to the approval of said council. The council may, from time to time, require new additional bonds and remove from office any officer neglecting or refusing to give the same. All official bonds executed to the city of New London, except that of the city clerk, shall be filed with and safely preserved by the city clerk in his office, unless the common council shall otherwise di- Officers to take oath of office and give bonds.

rect. The bonds of all officers who may be charged with the collection or safe keeping, or with the disposition or disbursement of any of the funds of said city, or may have any control over such funds at any time, and such other bonds as the common council may direct, shall be duly witnessed and acknowledged and recorded in the office of the register of deeds of the counties of Waupaca and Outagamie. Transcripts from the records of such bonds in the office of the register of deeds, duly certified by such register, shall be evidence of the due execution and contents of the bonds so recorded, in case of loss of the originals. The bond of the city clerk shall be filed with the treasurer.

Bonds to be recorded.

MAYOR — HIS DUTIES.

Duties of mayor

SECTION 2. The mayor shall preside over the meetings of the common council, but shall have a vote only in case of a tie. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be chief executive officer and head of the police of the city, and when, in his judgment, occasion requires, he may appoint as may special or temporary policemen as he may deem necessary.

PRESIDENT — HIS DUTIES.

Duties of president.

SECTION 3. The common council shall, after the first meeting for organization each year after the annual election, choose by ballot from their number, a president, who, in the absence of the mayor, shall preside over the meetings of the common council, and in case of absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor, for the time being, except the signing of city bonds. In case of the absence of both mayor and the president at any meeting of the council, the council may choose from their number a president, *pro tem*, who, for the time being, shall discharge all the duties of mayor. The president, or president pro tem, while presiding over the council or performing the duties of mayor, shall be styled acting mayor, and

their acts, except the signing of city bonds, shall have the same force and validity as if done by the mayor.

CITY CLERK — HIS DUTIES, ETC.

SECTION 4. The city clerk shall hold his office for one year, and until his successor is elected and qualified. The clerk shall keep the corporate seal, and all the papers and records of the city, and keep a full record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of any and all books, papers, instruments or documents duly filed and kept in his office and of the endorsements thereon, and transcripts from the records of the proceedings of the common council, duly certified by him under the corporate seal of the city, shall be evidence in all courts in like manner as the originals. He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof, and of the fund on which the same is drawn, in books provided for that purpose. He shall also keep, in such manner as the council may direct, an accurate account with the treasurer, and charge him with all tax lists delivered to him for collection, and all sums of money paid into the treasury. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns. All chattel mortgages so filed and the renewals thereof, shall be as valid and legal as if the same had been filed in any town. Whenever a justice of the peace, or constable shall be elected or appointed, the city clerk shall forthwith give notice thereof to the clerk of the circuit court of the counties of Waupaca and Outagamie, giving the name of such officer, and the time for which the same is either elected or appointed to fill a vacancy, the name of the last incumbent, and upon the election or appointment of a treasurer or mayor the clerk shall give notice to the clerk of the board of supervisors of said counties of Waupaca and Outagamie, and the officers receiving such notice shall file the same in their respective offices. He shall have such powers and be under such obligations, as far as they shall be applicable, as clerks of the several towns in this state, and he shall perform such other duties as shall be lawfully required of him by any ordinance, by-law, rule, regulation, or direction of

Duties of city clerk.

Validity of papers filed with city clerk.

the board of trustees, who shall fix a compensation for his services, which shall not exceed two hundred dollars per annum. He shall also be custodian of the seal of said city.

CITY ATTORNEY, AND DUTIES.

Duties of city attorney.

SECTION 5. The city attorney shall conduct all the law business of the corporation. He shall, when required, furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the council or any of its committees. He shall keep a docket of all cases to which the city may be a party in any court of record in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city, and shall at all times be open to the inspection of the mayor, or any committee of the common council. It shall also be the duty of the city attorney to draft all general ordinances, all bonds, contracts, leases, conveyances, and other instruments of writing that may be required by the business of the city, and to perform such other duties as may be prescribed by the charter and ordinances. He shall receive an annual salary, to be fixed by the council, payable quarterly.

STREET COMMISSIONERS, AND THEIR DUTIES.

Duties of street commissioners.

SECTION 6. The street commissioners shall see that all ordinances of the city relating to the obstructions and cleaning of sidewalks, streets, bridges, alleys, public grounds, gutters, sewers, and waters, of the rivers in said city are duly observed and kept, and shall have the general supervision over all grading, paving, graveling, planking, repairing, and cleaning of streets, bridges, alleys, public grounds, and gutters, and such other duties as the ordinances of said city may prescribe, unless the common council shall otherwise direct. They shall receive such compensation as the council may determine.

CITY SURVEYOR, HIS DUTIES.

Duties of city surveyor.

SECTION 7. The common council may also at their first meeting for organization after the annual election, or as soon thereafter as convenient, elect a city surveyor who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties, and fix the fees and compensation for any

services performed by him, all surveys, profiles, plans or estimates made by him for the city or either of the wards, shall be the property of said city, and shall be carefully preserved in the office of the surveyor open to the inspection of parties interested.

JUSTICES OF THE PEACE—JURISDICTION, ETC.

SECTION 8. The justices of the peace, elected under this act, shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this act, except that the official bonds or agreements shall be approved by a majority of the common council. The justice of the peace elected by the city at large, shall also have civil and criminal jurisdiction coextensive with the limits of the counties of Waupaca and Outagamie, in this state, and shall have sole and exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city to which the city may be a party, and shall have exclusive jurisdiction in all cases to which the city may be a party cognizable before a justice of the peace. He shall be entitled to receive for his services the same compensation and fees as is allowed by by law to justices of the peace, for similar services, and no other. **Duties and jurisdiction of justices of the peace.**

ASSESSOR—HIS DUTIES.

SECTION 9. The assessor shall assess all the taxable property of the city of New London, as required by law, without regard to wards, and shall complete and return his assessment roll in the manner hereinafter provided, and receive such compensation as the council may determine. **Duties of assessor.**

TREASURER—HIS DUTIES.

SECTION 10. The treasurer of said city shall perform such duties and exercise such powers as may be required of him by the ordinances of said city and the laws of the state; he shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, and of each fund separately, together with an account of all disbursements, in suitable books to be provided for that purpose, and in such manner as the common council shall direct. At the first regular meeting of the common council in each month, he shall **Duties of city treasurer.**

make a report embracing a statement in detail of the receipts and disbursements in his office since the last preceding monthly report, an account of the general fund and of each fund which he is required to keep distinct and separate from other funds in the city treasury, and also the total receipts and disbursements during the same time, and the condition of each of said funds at the date of the report; such reports, when made, shall be published with the proceedings of the common council. He shall disburse none of the money belonging to any of the funds of the city except by an order thereon duly issued by direction of the common council; which order shall be signed by the mayor and countersigned by the clerk, and when paid shall be canceled by the treasurer. The treasurer shall be a collector of taxes, and for his services receive the same compensation, except as hereinafter provided, and be governed by the same laws and be subject to the same liabilities as treasurers of towns.

TREASURER—ANNUAL REPORT.

Annual statement of treasurer.

SECTION 11. On the first day of April in each year, the treasurer shall file in the office of the city clerk, a statement showing in detail the monthly receipts and disbursements of the preceding year, an account of each separate fund, and the condition of such funds at the date of the report, and publish the same in the official paper of the city, if there be one, if not, by posting the same in three conspicuous places in the city.

CHIEF OF POLICE—HIS DUTIES.

Duties of chief of police.

SECTION 12. The chief of police shall attend all meetings of the common council, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, and collection of license moneys and fines, and shall receive such compensation as the council may determine. He shall possess all the powers of constable of towns in Waupaca or Outagamie counties, and may serve all lawful process directed to him, or to the sheriff, or any constable of the said counties, and be subject to the same liabilities. He shall execute and return all writs and processes to him directed, and when necessary in criminal cases or for the violation of any ordinance of said city or law of the state, may pursue and serve the same in any part of the state. He shall suppress all riots,

disturbances and breaches of the peace, and abate all nuisances therein. He shall apprehend all persons in the act of committing any offense against any ordinance of said city or laws of this state, and within reasonable time bring such persons before competent authority for examination, and for such services he shall receive such fees as are allowed to constables for like services.

OTHER DUTIES MAY BE REQUIRED OF OFFICERS.

Compensation and further duties of officers.

SECTION 13. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed, when the same shall not be fixed by law. Such compensation shall be fixed by resolution or ordinance at the time the office is created, or as soon as practicable after the commencement of the municipal year, and shall not be increased or diminished during the term of such office. The common council shall also have power to dismiss any officer appointed by said council, under the provisions of this section, at any time when, in the judgment of said council, the services of such officer are no longer needed.

Printing to be let to lowest bidder.

SECTION 14. The common council shall annually provide that all printing authorized or required by them to be done for the use or for the city, shall be let by contract to the lowest bidder for the term of one year, but no bid therefor shall be considered unless made by a publisher of a weekly newspaper, printed and published in the city of New London, unless the bids of such publishers shall be higher than the rates of legal advertising as fixed by law, or unless such publishers shall fail to bid, and it shall be the duty of the city clerk to furnish said official paper a copy of the proceedings of the common council within a reasonable time.

Affidavit of publication.

SECTION 15. The city printer or printers of said publication, immediately after the publication of any notice or ordinance or resolution or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published,

and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or by-law or resolution, and the clerk shall file and keep the same in his office.

Penalty for refusal to deliver office to successor.

SECTION 16. If any person having been an officer in the city shall not within ten days after notification and request deliver to his successor in office all property, books, papers and effects belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city not less than one hundred dollars nor more than two hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers, property and effects in the manner prescribed by the laws of this state.

Officers of the peace.

SECTION 17. The mayor, acting mayor, sheriffs of Outagamie and Waupaca county, and each and every alderman, justice of the peace, chief of police, under sheriff and deputy sheriff of said counties, constables, policemen and watchman shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if need be, of all citizens, and military companies, and if any person, bystander, military officer or private shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars, and in case when the civil power may be required to suppress riot or disorderly behavior, the superior or senior officers present in the order mentioned in this section shall direct the proceedings.

## CHAPTER V.

### THE COMMON COUNCIL — ITS SPECIAL POWERS.

Common council.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The mayor and common council of the city of New London do ordain," etc.

### MEETINGS.

Meetings of common council.

SECTION 2. The common council shall hold their first annual meeting in each year on the second Tuesday of April, and thereafter stated meetings at such times and places as they shall appoint, and the mayor may call special meetings by notice of at least twenty-

four hours to each of the members, to be served personally or left at his usual place of abode, which notice shall specify the object of the meeting and the business to be transacted, and no other business shall come before such meeting. The common council shall determine the rules for their own government and proceedings; *provided*, such rules are consistent with the provisions of this act. A majority of the aldermen shall constitute a quorum for the transaction of business, but a smaller number may adjourn. Their sessions shall be open and public, their proceedings shall be regarded in full, and all their papers and records, and all election returns shall be deposited with the clerk of the common council, and the same may be examined at any time, in the presence of the clerk. The vote of the common council shall in all cases be taken by ayes and noes, and every vote shall be entered at length upon the journal. The common council shall be the judge of the election and qualifications of its own members, and may punish its members or other persons present by fine for disorderly behavior; may compel the attendance of its members upon its sessions, and may employ the chief of police and police of said city for that purpose, and may fine or expel any member for neglecting his duty as such member, or for unnecessary absence from the sessions of the board.

POWERS OF COUNCIL.

General powers of council.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all other property in the city, and shall likewise, in addition to all other powers herein vested in them, have full power and authority to make and act, ordain, establish, publish, enforce, alter, modify and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, for the benefit of trade, commerce and health thereof, and for carrying into effect the powers vested in said common council; and to declare and impose penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws and regulations; and such ordinances, rules and by-laws are hereby declared to be and have the force of law; *provided*, that they be not repugnant to the laws of the constitution and the laws of the United States or of this state, and for these pur-

poses shall have authority by ordinance, resolution or by-law.

To grant licenses to groceries, etc.

1. To regulate groceries, taverns, victualing houses, saloons, gardens, and all other places within said city where spirituous, vinous or fermented liquors are sold or given away, and to license, regulate and restrain tavern keepers, groceries, keepers of saloons, victualing houses or other houses, or the places for the dealing in selling or giving away spirituous, vinous or fermented liquors, and to regulate the amount to be paid for such licenses; and to restrain or prohibit any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by authority of the common council; *provided*, that the amount charged for such license shall in no case be less than fifty dollars ($50.00), nor more than one hundred dollars ($100.00) per annum. Such license shall not be granted for a longer term than one year, and shall run from the 1st day of May; *provided, however*, when any such license is applied for after that date, the same may be granted, to expire on the 1st day of May next following, on the applicant paying *pro rata* therefor.

Bowling alleys, etc.

2. To license, tax, regulate, suppress or prohibit billiard tables, nine or ten pin alleys, bowling saloons and ball alleys.

Shows, etc.

3. To license, tax, regulate, suppress and prohibit all exhibitions of common showmen, shows of any and every kind, concerts or other musical entertainments, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances and all other exhibitions and amusements.

Gambling.

4. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting.

Disorderly places.

5. To prevent any riot, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill fame, and to authorize the destruction of all instruments used for the purpose of gambling.

Unwholesome places.

6. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

Breweries, tanneries, etc.

7. To direct the location and management of, and

regulate, breweries, tanneries and packing houses; and to direct the location, management and construction of, and regulate licenses, restrain, abate or prohibit, within the city limits and the distances of two miles therefrom, distilleries, slaughter houses, establishments for steaming or rendering lard, tallow, offal and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

**Encumbering of streets.**

8. To prevent the encumbering of streets, sidewalks, lanes or alleys with railroads, cars, locomotives, engine or engines, carriages, carts, wagons, sleighs, boxes, lumber, pine wood or any other materials or substances whatever.

**Fast riding and driving.**

9. To prevent horse racing and immoderate riding or driving in the streets, and to authorize any person to stop persons, immoderately riding or driving as aforesaid, to prohibit and punish the abuse of animals, and to compel persons to fasten their horses, oxen or other animals, attached to vehicles or otherwise, while standing or remaining in any street, alley or public ground.

**Combustible materials.**

10. To license, regulate and restrain the keeping, conveying, vending and storage of gunpowder and other combustible and dangerous material.

**Bathing.**

11. To regulate and determine the times and places of bathing and swimming in the rivers, harbor and other waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

**Impounding of animals.**

12. To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred, and the costs of the proceedings, and also to impose penalties on the owners of any such animals for a violation of any ordinance in relation thereto.

**Dogs.**

13. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to ordinance.

**Unwholesome substances.**

14. To prevent any person from bringing depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same, by any person who shall have upon his premises any such substance; and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skin or substance of any kind, and

on his default to authorize the removal by some competent officer, at the expense of such person or persons.

Water supplies

15. To make and establish public pounds, pumps, wells, cisterns, reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants, and to prevent unnecessary waste of water.

Lighting of streets.

16. To erect lamps and regulate the lighting thereof, and to provide for lighting streets, public grounds and public buildings with gas or otherwise.

Hackmen, etc.

17. To regulate licenses, and suppress omnibus drivers, hackmen, coachmen, cabmen, cartmen, draymen and all others who may pursue like occupations in this city, and to prescribe their compensation.

Runners.

18. To restrain and regulate runners and solicitors for boats, vessels, cars, railroads, stages, public houses or other establishments.

Boards of health.

19. To establish and regulate boards of health, and define their powers and duties.

Cemeteries.

20. To provide hospital and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and exempt burial grounds set apart for public use from taxation.

Pest-houses.

21. To erect or establish one or more pest houses, hospitals and dispensaries, and control and regulate the same.

Contagious diseases.

22. To regulate, control and prevent the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city, and also to make regulations to prevent the introduction of contagious diseases into the city, or spread therein, and to make quarantine laws or regulations and to enforce the same within the city, and not exceeding two miles beyond the city limits.

Nuisances.

23. To abate and remove all nuisances, under the ordinances, the laws of the state or at common law, and punish the authors thereof by penalties, fines and imprisonment, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof. But nothing in this act shall be so construed as to oust any court of its jurisdiction to abate and remove nuisances in the streets or any other part of the city or within its jurisdiction, by indictment, information or otherwise.

Markets.

24. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from inter-

rupting or interfering with the due observance of such rules and regulations.

25. To regulate the size, weight, quality and sale of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. **Bread.**

26. To prevent all persons riding or driving any ox, mule, cattle, or other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks. **Sidewalks.**

27. To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city, or any property therein, or annoying to any citizen thereof. **Firearms.**

28. To restrain and punish vagrants, mendicants, street beggars and prostitutes, and to restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. **Vagrants, prostitutes, etc.**

29. To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, eggs, and other provisions in the city, and to cause the seizure and destruction of tainted or unwholesome meat, butter, vegetables, fruit or provisions. **Sale of meats.**

30. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same and to appoint a fish inspector, and regulate by ordinance his duties and fees, and to regulate the measuring and inspection of lumber, shingles, timber, posts, staves and headings, and all building materials, and to appoint an inspector. **Hay, lime, lumber, etc.**

31. To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to move from the lot owned or occupied by him all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant. **Removal of dirt and rubbish.**

32. To regulate the construction of piers and wharves extending into Wolf river, within the limits of the city. **Piers and wharves.**

33. To establish wharf and dock lines upon the banks of Wolf river, within said city, and to restrain and prevent encroachment upon said river, and obstructions thereto, and to construct, alter and maintain, or cause to be constructed, altered and maintained, at **Wharf and dock lines.**

the expense of the city or either ward, wharves at the foot of the streets along the bank of said river.

Watchmen and policemen.

34. To appoint watchmen and policemen, and to establish and regulate the police of the city and prescribe their duties, such watchmen and policemen to be nominated by the aldermen of the ward in which said watchmen and policemen is required to serve. The expense of the same to be paid by the ward for which he is appointed.

Auctions.

35. To regulate the times, places and manner of holding public auctions and vendues.

Licenses.

36. To tax, license and regulate auctioneers, distilleries, brewers, and pawn brokers, and to tax, license, regulate and restrain hawkers and peddlers, and keepers or proprietors of gift bookstores, gift concerts, and other gift enterprises.

Trees and monuments.

37. To protect monuments in the city, and direct and regulate the planting and preservation of ornamental trees in the streets and public grounds.

Weights and measures.

38. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

Gutters and sewers.

39. To provide for and regulate the construction of gutters or sewers within said city.

Repair and laying out of streets and alleys.

40. To control, regulate, repair, amend and clear the streets and alleys, bridges, and side and cross walks, and to lay out, open, widen, straighten, alter and vacate streets and alleys, and establish and alter the grade thereof, and alter and change the name thereof, and prevent the encumbering of the streets and alleys in any manner, and protect the same from any encroachment or injury, or to regulate the manner of using the streets and pavements in said city, and protect the same from injury by vehicles used thereon.

Jurisdiction of justices.

41. The justice of the peace for the city at large elected under this act, shall have exclusive jurisdiction as justice of the peace for two years, or until his successor is appointed or elected, in all actions for the recovery of any penalty or fine, under all laws of said city, and all ordinances, by-laws or police regulations thereof; should any vacancy occur, or the police justice be unable for any cause to perform the duties of that office, the common council shall appoint one of the other justices to hold such office until the disability is removed or the vacancy filled by a new election.

Police court.

42. The said justice shall hold a police court in said city at such place as the common council shall designate and provide.

43. To control and regulate the streets, alleys, and public grounds in said city, and to remove and abate any obstructions, encroachments therein. Streets, alleys, etc.

44. To regulate or prohibit the keeping of any lumber yard, and the placing, piling or selling of lumber, timber, wood, or other combustible material within the limits of said city. Lumber yards.

45. To provide for the inspection and regulation of stationery steam engines and boilers. Steam engines.

46. To impose fines for violation within the limits of said city of the general laws of this state, when in their judgment it is necessary for the peace and good order, or for the health of said city. Fires.

47. To preserve the rivers and harbors, to prevent any use of the same, or any act in relation thereto, inconsistent with or detrimental to the public health, or calculated to render the waters of the same or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same, the prevent and punish the casting or depositing therein of any earth, dead animals, ashes or other substances, or logs or floating matter, to prevent and remove all obstructions therein, and to punish the authors thereof. Rivers and harbors.

48. To authorize the arrest, fine and imprisonment as vagrants, of all persons who, not having visible means to maintain themselves, and without employment, idle, loitering or rambling about or staying in groceries, drinking saloons, houses of ill-fame, or houses of bad repute, gambling houses, or who shall be found trespassing in the night time upon the private premises of others, or begging or placing themselves in the streets or other thoroughfare or public place to beg or receive alms, also keepers, exhibitors or visitors, or any gaming table, gambling house or other place of device, and all persons who go about for the purpose of gaming, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any concert, theater or other public entertainment or place where public or private schools are held, either week day or Sunday, or places where religious worship is held. Vagrants.

49. To regulate or prohibit the carrying or wearing on any person under his clothes or concealed about his person of any pistol, sling shot or knuckles, bowie knife, dirk knife or dirk, or dagger, or any other dangerous or deadly weapon, and to provide for the confiscation or sale of such weapon. Concealed weapons.

50. To make, ordain, amend and repeal all such or- Ordinances and regulations.

dinances, by-laws and police regulations not contrary to the constitution of this state, for the good order and government of the city and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereot.

How same to be passed, recorded and published.

SECTION 4. All laws, ordinance, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council and shall be signed by the mayor and shall be published in the official paper or papers of said city once before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose, but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith; and at all times and in all courts and places, shall be deemed and taken as sufficient evidence of the time and manner of such publication, such record of such law, ordinance, regulation or by-law, and the proof of such record certified by the clerk under the seal of the city, or any printed books containing the same, purporting to have been published under the sanction of the mayor and council be prima facie evidence of the due passage and publication of such law, ordinance, regulation or by-law. No ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution or order which may create a debt or liability against said city or a charge upon any fund thereof, shall be adopted without a vote in its favor of a majority of all the aldermen entitled to the seats in the common council.

When ordinances to take effect.

SECTION 5. No ordinance or resolution requiring the signature of the mayor, shall take effect until seven days after the passage of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

Power of mayor to veto ordinances and resolutions.

SECTION 6. The mayor shall have power to veto any ordinance, act or resolution passed by the common council by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution; in case of no session of the council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections, and the clerk shall

shall thereupon call a special meeting of the council in the manner provided by section 2 of this chapter to consider said vote and objections, and in case the council shall not within one week after the receipt of such objection or such filing with the clerk re-enact such ordinance, or pass such resolution by the vote of two-thirds of the aldermen elect, the same shall be null and void. If the mayor shall not return any ordinance, act or resolution so presented to him within seven days after the passage thereof, it shall take effect in the same manner as if he signed it.

**Vote of council not to be rescinded at special meeting.**

SECTION 7. No vote of the common council shall be reconsidered or rescinded at a special meeting unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

**How ordinances, etc., to be acted upon.**

SECTION 8. All ordinances, petitions and communications to the common council, and all accounts and resolutions appropriating money or creating any charge against any of the funds of said city, shall be referred to appropriate committees, and shall only be acted on by the common council at a subsequent meeting not held on the same day, on the report of the committee to which the same was referred. Action upon any report of a committee made to the common council, shall be deferred to the next regular meeting of the same, by request of one-third of the aldermen present.

**What deemed nuisances.**

SECTION 9. The powers conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, gambling houses or houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous, fermented liquors are sold without license required therefor, within the limits of said city, are hereby declared and shall be public or common nuisances.

**Council to examine and audit accounts of officers.**

SECTION 10. The council shall examine, audit and adjust the accounts of the clerk, treasurer, chief of police, street commissioners and all other officers and agents of the city, at such times as they may deem proper; and also at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired, and the common council shall require each and every such officer and agent to exhibit his books, funds, and money accounts and vouchers

for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties in pursuance of this section, or shall neglect or refuse to render his account or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law, against any officer or agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

## CHAPTER VI.

### OPENING OF STREETS AND ALLEYS AND TAKING PROPERTY FOR OTHER PUBLIC PURPOSES.

**Taking of property for public use in laying out streets, alleys, etc.**

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same as follows: Any ten or more freeholders residing in the ward may, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners reside for public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening of the same, setting forth in such petition the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners. Every person signing such petition shall write after his signature thereto a brief description of his real estate which makes him a freeholder and the place of his residence in the city. Persons in actual possession of real estate under a valid contract for its purchase from the owner thereof, shall be deemed to be freeholders within the meaning and for the purpose of this section Before such petition shall be acted upon by the common council, the petitioners shall cause to be executed and delivered to the city clerk a bond in the penal sum of five hundred dollars ($500), with sureties to be approved by the council, conditioned that they will prosecute their application to effect and pay all costs which the city may sustain in consequence of such application.

**Petition to be filed and council to give**

SECTION 2. Such petition shall be filed with the common council, who shall thereupon cause notice of

such application to be given to the occupant or occupants of such lands, if any there be, or if any portion of said lands shall not be in actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper or papers four weeks successively, at least once in each week. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice or the expiration of such publication, as the case may be, application will be made to the county judge or a court commissioner for the counties of Waupaca or Outagamie for the appointment of twelve jurors to view said premises and determine whether it shall be necessary to take the same for the purposes specified in said petition.

**Notice of application to occupant.**

SECTION 3. Upon presentation of such application, and upon the proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city but not residents of the ward in which said premises may be, nor interested in the rusult of such application; the said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises to be specified in said precept, and to make return under their hands to the common council, whether in their judgment it is necessary to take said premises for the purposes specified in such application; and the said jurors before entering upon the discharge of their duties, shall take and subscribe an oath faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

**Appointment of jurors to view premises.**

SECTION 4. The chief of police shall serve the precept immediately on the jurors therein named, reading the same to every one of them that can be found, and immediately after such service he shall return the said precept to the judge or court commissioner who issued the same, together with his doings thereon.

**Chief of police to serve and return precept.**

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the judge or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be indorsed on the precept.

**Substitution of jurors.**

SECTION 6. The said judge or court commissioner, or any justice of the peace, shall thereupon administer

**Oath to be administered to jurors.**

an oath to said jurors that they are free holders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Jurors to view premises and hear testimony.

SECTION 7. The said jurors shall, at such times as they may agree upon, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for public use, which said report, testimony and precept shall be returned to the common council within the time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings confirming said report, and directing the same jurors, within twenty days thereafter, or such future time as shall be necessary, to again view the premises for the purpose of ascertaining and determining the amount of the damages to be paid to the owner or owners of said property to be taken, and also what lands or premises will be benefited by such taking, and to make report of their assessment of such damages and benefits to the common council after the jurors shall have made their report as to the necessity of taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve in ascertaining the amount of damages and benefits as above, and all the jurors before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent officer that they are freeholders of said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the duties imposed in them.

If jury report necessity for taking lands, aldermen to view premises and make report.

SECTION 8. Whenever it shall have been determined by the report of the jury that it is necessary to take certain lands for public use for the purpose of laying out public squares, grounds, streets and alleys, or of enlarging or widening the same, and such report or any part thereof shall have been confirmed by the common

council, the said council shall direct the aldermen of the ward in which lands so to be taken are situated to view the premises, and to determine whether the whole cost thereof should be chargeable as benefits to the lots and lands subject to special assessment therefor, or whether any and what portion of such cost should be chargeable to and paid by the city; and if said aldermen shall determine that any proportion of such costs should be paid by the city, they shall so report in writing to the common council, stating in their report what proportion should be so paid; and thereupon the common council shall have power by resolution, duly passed by two-thirds of the aldermen elected, to order the proportion of such cost so reported by the aldermen, or any greater or less proportion thereof, to be chargeable to and payable by said city, which shall accordingly be done, and thereafter the lots or lands benefited shall not be assessed for more than the remaining proportion of such cost.

**Jury to determine what property will be injured or benefited.**

SECTION 9. The jurors directed to ascertain the damages and benefits, as provided by section seven (7), shall, within the time limited by the common council, view and examine the premises proposed to be taken, and all such other premises as will in their judgment be injured or benefited thereby, and after hearing such testimony as they may obtain or as may be offered by any party interested, which testimony shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise the value of the real estate so proposed to be taken, and the injury arising to the owners thereof, which shall be awarded to such owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvements, said jury shall report their proceedings to the common council.

**Adjustment of benefits and damages.**

SECTION 10. If the damages to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the jury shall strike a balance and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall in any case be collected of them or payable to them.

**Duty of board of assessment.**

SECTION 11. Upon the report of the jury, as provided by section nine (9) of this chapter, and the confirmation of such report by the common council, the same shall be referred to the mayor, assessor and city clerk, as a

board of assessment and equalization, who shall thereupon, within the time to be limited by the council, apportion and assess the damages as ascertained by said jury, and the expenses of the proposed improvement, or such proportion thereof as shall have been determined to be chargeable to the lots and lands benefited, in accordance with the provisions of section eight (8) of this chapter, upon the real estate deemed benefited by said jury, in proportion to the benefits resulting thereto from the proposed improvement, as nearly as may be, and shall describe the real estate upon which their assessments may be made.

**Notice of assessment to be given.**

SECTION 12. When the said board of assessment shall have completed said apportionment and assessment of said damages and expenses, and before the same shall be reported to the common council, it shall give public notice of not less than one week in the official paper of the city, that such assessment has been made, and that the same will be open for review and correction by said board at the chamber of the common council for not less than ten days after the first publication of such notice, during certain hours, and not less than two hours of each day, and that all persons will be heard by the said board in objection to such assessments, and generally in matter of such review and correction, it shall be sufficient to state in such notice in brief what such assessment has been made for and in what locality.

**Board of assessment to hear objections.**

SECTION 13. During the time specified in the notice mentioned in the last preceding section, it shall be the duty of the board to hear all persons interested in the property assessed, or otherwise personally interested in such assessment, in making objections to any part of such assessment, and to hear all evidence which may be produced in support of such objections; and the board shall thereupon have power to review, modify and collect such assessments in such manner as they shall deem just, and at any time during such review, and for three days thereafter; and thereupon it shall be the duty of said board to make report of such assessment in writing, signed by them, together with the testimony taken, to the common council, within the time limited by said council. Should the time originally limited for making such report prove insufficient, the common council may, in their discretion, from time to time, enlarge or extend the same.

**Assessment to be laid before common council.**

SECTION 14. The assessment so reported shall be laid before the common council when in session, and the

fact of its presentation shall be entered upon the journal and mentioned in the published proceedings of such session, with a statement in brief for what purpose and in what locality such assessment has been made; but the common council shall not have the power to act finally upon such report until at least one week from the date of the session at which it was so presented at or after the expiration of such period of one week last mentioned, the common council may in their discretion, revise and correct the assessment, and shall confirm the same as corrected by them or without correction, or refer it back to said board for revision and correction; if said assessment shall be so referred back the said board shall proceed to review, correct and report the same in like manner and upon like notice as herein required in relation to the first assessment; and all parties interested shall have the like rights; and the said board and the common council respectively shall perform like duties and have like powers in relation to any such subsequent assessment as are hereby given in relation to the first.

Appeal to circuit court.

SECTION 15. Any person or persons owning or having any interest in any property affected by such assessment, may within twenty days after the confirmation of such assessment by the common council appeal therefrom to the circuit court of Waupaca or Outagamie county, by filing with the city clerk his notice of appeal, setting forth therein his interest in the premises, and the grounds of his appeal, together with a bond to the city of New London in the penal sum of five hundred dollars ($500) conditioned for the payment of all costs that shall be adjusted against him on account of such appeal, which bond shall be signed by at least two sufficient sureties, each of whom shall make affidavit, endorsed upon such bond, that he is worth five hundred dollars ($500) over and above all his debts, in property not exempt from execution. In case of any appeal under the provisions of this section the city clerk shall send to the clerk of said circuit court a certified copy of the assessment of damages and benefits made and reported by the said board as confirmed by the common council, and of all the proceedings of the common council in relation thereto. The appeal shall be tried as ordinary issues of fact are tried in said circuit court; the form of the issue shall be subject to the direction of the court, and the court shall permit any person or persons interested in such damages or benefits to become parties to such appeal upon their

Duty of city clerk.

petition, setting forth the nature and extent of such interest; if on such trial the benefits assessed by said board shall be diminished or the damages so assessed shall be increased, then and in either case the appellant shall recover costs on such appeal, otherwise the city shall recover costs when the jury shall by their verdict award damages to the owner of any lot or part of lot, and judgment shall have been rendered upon such verdict, the said city shall pay the amount of such judgment and the costs if any recovered therewith, or make provisions for the payment thereof within one year after the same shall have been rendered; *provided*, that in case of an appeal from such judgment to the supreme court the time of the pendancy of such appeal shall not form any part of such year.

**Appeal to circuit court to be only remedy.**

SECTION 16. An appeal to the circuit court as provided in and by the foregoing section, shall be the only remedy for damages sustained by the acts or proceedings of said city or its officers in the matter of which such assessment relates, and no action in law or in equity shall be had or maintained for or on account of such acts and proceedings.

**When possession may be taken.**

SECTION 17. Only when the damages awarded to the owner by the report of the said board as confirmed by the common council for any property condemned by said city for public use, shall have been paid or tendered to such owner or his agent, or when sufficient money for that purpose shall be provided in the hands of the city treasurer and ready to be paid over to such owner, and ten days' notice thereof shall have been given by the common council, in the official papers, can the city enter upon and appropriate such property to the use for which the same was condemned, and the same shall thereafter be subject to all the laws and ordinances of the city to the same extent as streets, alleys and public grounds heretofore opened or laid out. The damages assessed by the said board, or awarded by the verdict of the jury, and judgment rendered thereon, in case of appeal, shall be paid or tendered or provided in the hands of the city treasurer, and ready to be paid over to the person or persons entitled thereto, and notice thereof given in the official papers as herein provided, within six months after the rending of such judgment, or after the confirmation of such assessment by the common council in case no appeal shall have been taken, and if not so paid or tendered or provided in the hands of the city treasurer, all the proceedings in any such case shall be void: *provided*, that such pe-

riod of six months shall be exclusive of the time any such judgment may be pending in the supreme court on appeal; the benefits assessed and reported by the board from the confirmation of such report by the common council shall be and remain a lien upon the premises so determined by said board to be benefited by the taking and appropriation of lands to the public use as proposed.

When lands contain buildings.

SECTION 18. If there should be any building, in whole or in part, upon the land to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him, and secondly the value of such building to him to remove.

How notice to be given.

SECTION 19. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode; if not known or a nonresident, notice to all parties interested shall be given by publication in the official paper or papers of said city three successive weeks; such notice shall specify the building and the award of the jurors; it shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the jurors and allow such buildings to be taken with the land appropriated, or of their intention to remove such building, he shall have such time for this purpose as the common council may allow.

When owner refuses to take building.

SECTION 20. If the owner shall refuse to take the building, at the value to remove, or fail to give notice of his election aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building, at public auction, for cash, giving ten days notice of such sale. The proceeds shall be paid to the owner or deposited to his use.

When lands belong to different persons.

SECTION 21. If the lands or building belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than estate in fee, the injury or benefits done to such persons, or interest respectively, shall be awarded them by the jurors.

When whole of property taken, contracts to cease.

SECTION 22. When the whole of any lot or tract of land or other premises under lease or other contract shall be taken by virtue of this act, all the covenants, contracts, or engagements between landlord and tenant,

or any other contracting parties, touching the same or any part thereof, shall upon the confirmation of such report, respectively cease, and be absolutely discharged; when only part of a lot or tract of land or other premises so under lease, or other contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same upon the confirmation of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the resident thereof, and the rents, considerations and payments reserved, payable and to be paid for in respect to the same shall be proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for in respect to the same.

**When owner is an infant or under legal disability.**

SECTION 23. When any known owner of lands or tenements affected by any proceeding under the provisions of this act shall be an infant, or labor under legal disability, the judge of the circuit court of Waupaca or Outagamie counties, or in his absence the judge of any court of record in said counties may, upon application of the common council, or such party, or his next friend, appoint a guardian for such party; and all notices required by this act shall be served upon such guardian.

**Survey to be made.**

SECTION 24. Whenever any public grounds, streets or alleys shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

**Proceedings of council confirmed.**

SECTION 25. All the proceedings of the common council heretofore had in laying out streets and alleys are hereby confirmed, and all the streets and alleys heretofore laid out and opened by the common council, except such as have been legally vacated, are hereby declared public highways.

**Informality not to vitiate proceedings.**

SECTION 26. All the foregoing directions given in this chapter shall be deemed directory, and no irregularity or informality in any of the proceedings under the provisions of this chapter not affecting substantial justice, shall in any way affect the validity of the proceedings.

**Vacation of streets, alleys, etc.**

SECTION 27. The common council shall have power, and are hereby authorized to vacate in whole or in part such highways, streets, alleys and public walks within the corporation limit of the city as in their opinion the public interest may require to be vacated, or such as in their opinion are of no public utility; *provided*,

*however*, the necessity of vacating any such highways, streets, alleys or public walks, or any part thereof, shall first be established by a verdict or report of a jury, in a like manner as is provided for laying out public squares, grounds and streets in this chapter.

How subdivisions to be made and platted.

SECTION 28. In all cases when land in the city shall hereafter be subdivided into lots and blocks, or when streets, alleys or public grounds shall be donated or granted to the public, the owner or owners thereof shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys through the lots and blocks in said city, adjacent to the lot or tract so platted, and shall submit such maps or plats thereof to the common council for approval, and if such map or plat shall be approved by the common council, it shall be lawful for the party or parties making such map or plat to record the same and the evidence of such approval, in the manner prescribed by the laws of the state, concerning town plats; but, except such plat shall be approved by resolution adopted by said common council, a copy of which, duly certified by the city clerk, and affixed to said map or plat, it shall not be lawful for the register of deeds of Waupaca and Outagamie counties to receive such map or plat for record, or to record the same, and the same shall have no validity. All persons neglecting or refusing to comply with the requirements of this section, shall forfeit and pay a sum not less than fifty dollars ($50) nor more than five hundred dollars ($500), and the register of deeds who shall record such map or plat without such copy of the resolutions of the common council approving the same attached thereto, as aforesaid, shall forfeit and pay a sum not less than ten dollars ($10) nor more than one hundred dollars ($100). All forfeitures and liabilities which may be incurred and arise under and by virtue of this section, shall be prosecuted for and recovered in the name of the city of New London, and paid into the city treasury for the use and benefit of the city.

Penalty for noncompliance

## CHAPTER VII.

### CITY IMPROVEMENTS AND SPECIAL ASSESSMENTS.

Construction and repair of sidewalks.

SECTION 1. Sidewalks shall be constructed, reconstructed and repaired upon the proper established grade, of such width, in such manner, of such material, and in such time as the common council by ordinance,

resolution or order shall direct, by and at the expense of the owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If such sidewalk shall not be constructed in the manner and within the time prescribed, the common council may cause the same to be done at the expense of the lot or lots adjoining such sidewalk; but no sidewalk shall be ordered to be constructed unless upon petition of a majority of the resident owners of lots and lands adjacent to such sidewalk, and unless they own at least one-half of the lots abutting on such street, and a two-thirds vote of the aldermen elect. The contract for the construction of any such sidewalk shall be let to the lowest bidder, and notice shall be given by publication in the official paper of the city, for at least two weeks, of the time, place and manner of receiving such bids; *provided*, that no such contract shall be let until thirty days after notice shall have been given to such owner or owners, if known, of the ordinance, resolution or order requiring the construction of such sidewalk, and publication of the same at least two weeks in the official paper of the city.

**Opening and grading of streets, alleys, etc.**

SECTION 2. Opening, grading, working, graveling, planking or paving streets and alleys, to the center thereof, shall be chargeable to and payable by the lots fronting on such street or alley; but no street or alley shall be opened, graded, graveled, planked or paved unless upon the petition of a majority of the resident property holders interested therein, and who shall at least own one-half of the property fronting on such street, and by a two-thirds vote of the aldermen elect. The cost and expense of surveying streets, alleys, sewers or gutters, and of cleaning out gutters or sewers, and of estimating work thereon in the execution of any public improvement, shall be chargeable to and payable by the city. Gutters or sewers may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby and fronting upon or abutting to the street along which said gutter shall be constructed; *provided*, that in all cases where improvements or work of any kind are charged by virtue of this section upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for out of the general fund of the city.

**Duty of council in making public improvements.**

SECTION 3. Whenever the common council shall determine to make any public improvement as authorized by this chapter, they shall cause to be made an esti-

mate of the whole expense thereof, and of the proportion to be assessed and charged to each lot, and in case of grading streets, alleys or sidewalk, of the number of cubic yards to be filled in or excavated in front of each lot; and such estimate shall be filed with the city clerk, for the inspection of all parties interested. The common council shall give notice to the owner or owners, if known, and by advertisement for twenty days in the official paper of the city to the owners or occupants of the lots or parcels of land fronting on any street, alley or sidewalk ordered to be opened, graded, graveled, planked, paved, or sewer to be constructed, requiring them to do the work mentioned in such notice within reasonable time therein to be specified, and not less than thirty days, and if the said work shall not be done within such time, the council shall enter into contract for the doing thereof, such contract shall be let to the lowest bidder.

**Abatement of nuisances.**

SECTION 4. The common council shall give notice to all owners or occupants of lots, which may be deemed injurious to health by reason of stagnant water remaining thereon, or other cause, if residents personally, if non-residents in the official paper of the city for ten days, to abate such nuisance by draining or filling such lots within a reasonable time, therein to be specified, and if such nuisance shall not be abated or removed, within the time specified, the council shall cause the same to be abated or removed, at the expense of the property upon which the same may exist.

**How work to be done.**

SECTION 5. All work provided in this chapter shall be done under the supervision of the street commissioner, unless the common council shall otherwise direct, and shall be approved in writing by the mayor, street commissioner and city surveyor, before it shall be accepted by the council. The street commissioner is authorized and empowered, and it shall be a part of his duties, to contract with the lowest bidder for all material which the city or ward may use in carrying out the provisions of this chapter.

**How payment for improvements to be made.**

SECTION 6. Whenever any work has been done under contract, as provided in this act, and the work shall have been approved in writing by the mayor, street commissioner and city surveyor, and accepted by the common council, such contractor shall be entitled to a certificate therefor which shall be signed by the mayor, street commissioner and city surveyor and countersigned by the city clerk, and shall state the amount of work done by such contractor, the nature thereof and

the description of the lot or parcel of land upon which the same is chargeable. Said certificate may be transferred by indorsement therein; and if the amount thereof is not paid before the time of making out the annual assessment roll, such certificate may be filed with the city clerk, and the common council shall order the amount thereof to be assessed upon the said lots of land respectively as a special tax and to be collected therefrom for the benefit of the holder of said certificate, as other taxes on real estate are collected under this act. If notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment; *provided*, that in no event when work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for, or on account thereof, as for any proceedings for the collection or the pay therefor.

**Owners of property required to cleanse and repair streets.**

SECTION 7. The common council may require by such general regulations as they may choose to adopt, the owners or occupants of lots to cleanse and repair the sidewalks, streets and alleys. If such owners or occupants shall fail to comply with such regulations, after receiving reasonable notice from the street commissioner, the commissioner may employ any person or persons to do such work and pay therefor in certificates as provided by section 6 of this chapter.

## CHAPTER VIII.

### FIRE DEPARTMENT.

**Power of council to prescribe fire limits.**

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire-proof, shall be erected, placed or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages and to prescribe penalties for violation of any resolution or ordinance passed under this section.

**Precautions against fires.**

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of

chimneys, fire places, hearths, stoves, stovepipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposits of ashes in unsafe places, to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures, dangerous in causing or promoting fire; to regulate and prevent the use of fire works and firearms; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs or ladders leading to the same; to authorize the mayor and aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons; and to compel all bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

**Power of council to purchase fire apparatus and organize fire companies.**

SECTION 3. The common council shall have full power to purchase fire engines, hose and all other necessary fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years, and may elect their own officers, and form their own by-laws, not inconsistent with the laws of this state, or the ordinances or regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed shall be exempt from highway work and poll tax, and from serving on juries and from military duty, except in case of war, insurrection or invasion, during the continuance of such membership, and any person having served for the term of ten years in either of such companies shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

**Meeting of companies for election of officers.**

SECTION 4. There shall be a meeting of the members of said companies on the third Mondays of April

in each year, at such place as may be designated, by the chief engineer, when they may nominate and recommend to the common council for appointment, one chief engineer, and one assistant engineer and one treasurer, and the common council shall thereupon confirm or reject said nominations, and the person so appointed shall perform such duties as the common council shall prescribe. In case the common council should reject such nominees, the members shall at a meeting held a week after such rejection, nominate other persons to hold such offices, which nomination shall also be subject to the approval of said council.

**Duties of fire warden.**

SECTION 5. The chief of police shall be the fire warden for said city, who shall perform such duties as the common council may prescribe, and he may at any time enter any building, house, store, barn or enclosure, for the purpose of inspecting the same.

**Fines payable to fire department.**

SECTION 6. One half of the net proceeds of all fines and penalties recovered and collected for breach of any ordinance, by-law or regulation, made in pursuance of this chapter, shall be paid by the city treasurer to the fire department.

**Penalty for refusal to obey orders of officers.**

SECTION 7. When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, the mayor or chief of police at any fire, it shall be lawful for the officer giving such order, to arrest, or direct orally the chief of police, constable or watchman or any citizen to arrest such person and to confine him temporarily in any safe place until such fire shall be extinguished, and in the manner such officers, or any of them, may arrest, or direct the arrest and confinement of any person, at such fire, who shall be intoxicated or disorderly, and any person who shall refuse to arrest or aid in arresting, any person, so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

**Organization and duties of sack company.**

SECTION 8. The common council shall have power to organize a sack company or to countenance any such company now organized, which shall be known by such name as they may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually are hereby authorized and empowered to act as a special police in and for the city of New London, and are hereby vested with all the power and authority which now is, or may hereafter, be vested in any police

officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Such company may from time to time adopt such by-laws as they may deem necessary, not inconsistent with the laws of this state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall in case of riot or other disturbance of the peace have access to all licensed places of amusement in the city and shall perform such services for the peace and good order of the same.

**Duty of treasurer of fire department.**

SECTION 9. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city in such penal sum as shall be required, and with such sureties to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer, and countersigned by the clerk of said department.

**Election and duties of clerk of company.**

SECTION 10. There shall be elected by members of such company aforesaid, annually at their annual meetings a clerk or secretary who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the name of each member of their respective companies, and when any member of either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

**Duty of city clerk.**

SECTION 11. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries, as above prescribed; and no person shall be exempt from jury duty unless the name is entered on such list. In case any member shall for any cause cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors for the county of ———, a list of all persons who are members of either or all said companies exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for the annual meeting for the said board, and said board shall not place the

names of any such persons on the jury list for the ensuing year.

## CHAPTER IX.

### AUDITING ACCOUNTS, ETC.

Power of council to audit accounts.

SECTION 1. The common council shall have power to audit, adjust and allow all claims and demands of every nature against the city, except such claims or demands as are payable out of the school fund.

Claims against city to be presented before action commenced.

SECTION 2. No action shall hereafter be maintained by any person against the city of New London upon any claim or demand mentioned in the preceding section, other than a city bond or order, unless such person shall first have presented such claim or demand to the common council of said city. The determination of the common council, disallowing in whole or in part any such claim or demand, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim or demand, unless an appeal shall be taken from the decision and determination of such common council as hereinafter provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city; *provided, however*, that when the common council shall refuse or neglect to act upon any such claim or demand duly presented to them, this charter shall not so be construed as to prevent the institution and maintenance of an action by said claim [claimant] against said city.

Appeal to circuit court.

SECTION 3. When the claim or demand of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such council to the circuit court for the counties of Waupaca or Outagamie, by causing a written notice of such appeal to be served on the clerk of said city, within thirty days after the making of such decision, and executing a bond to said city, with sufficient surety to be approved by said clerk, the county judge or court commissioner, conditional for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

Duty of city clerk to give notice of appeal.

SECTION 4. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the city attorney, or shall take such measures as by ordinance or resolution of said common council he may

be required to do, and shall make out a brief return, if the proceedings in the case before said council, with their decision thereon, and shall file the same, together with the bond and all papers in the case in his possession, with the clerk of the circuit court for the counties of Waupaca or Outagamie, and such appeal shall be entered, tried and determined in the same manner as actions originally brought in said courts, and costs shall therein be awarded in like manner; *provided, however*, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council exclusive of interest upon such allowance, the appellant shall pay the cost, which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess.

SECTION 5. No claim or demand whatever shall be allowed by the common council, unless the same is verified by the owner thereof or some person in his behalf. **All claims to be verified.**

## CHAPTER X.

### FINANCE AND TAXATION.

SECTION 1. All funds in the treasury except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any fund in the treasury belonging to the city. City orders shall be receivable for all city taxes except school and special taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city, which shall be collected in money or in orders drawn upon such funds respectively; *provided*, that the amounts or proceeds of all orders which shall be received in payment of taxes shall be credited to the several and respective funds on account of which such orders were issued. All orders shall be payable to the order of the person in whose favor they may be drawn, and shall be transferable by endorsement. **Funds to be under control of council.**

SECTION 2. The common council shall levy annu- **Levy of taxes.**

ally, to defray the current expenses of said city, a sum not exceeding fifteen mills on the dollar of the total assessed valuation of all taxable property in said city, and for all other purposes except for schools and bridges and the payment of principal and interest of outstanding bonds, debts and obligations of said city a sum not exceeding five mills upon a dollar of the said valuation.

Issuing of bonds and city orders

SECTION 3. The common council shall not have power to issue any bonds or other evidences of debt, payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue in any one year orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act; *provided*, that whenever it shall be necessary to rebuild or repair bridges, a special tax may be levied for such purpose, not exceeding the amount of five hundred dollars ($500) in one year. If exceeding such amount the same to be decided by a vote of the people. Said taxes when so levied shall be collected at the same time as other city taxes are collected.

Special taxes.

SECTION 4. Special taxes may also be levied by the city council at any regular meeting, for the purpose of paying the interest of [or] principal of any outstanding bonds now due or hereafter to become due issued by the city of New London, or which may hereafter be issued by said city, by authority of law; *provided, however*, no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on said bonds at the time such tax shall be collectable by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes. Said taxes when so levied shall be collectable at the same time as other city taxes are collected.

Appropriations—how to be made.

SECTION 5. The common council of said city, by a two-thirds vote of all the aldermen elect, and not otherwise, shall have power to appropriate a sum not exceeding five hundred dollars ($500), to any public purpose they may deem proper.

What property subject to taxation.

SECTION 6. All property in said city, real, personal or mixed, except such as may be exempt by the laws of the state, shall be subject to taxation for all purposes authorized by law, and the same shall be assessed in the manner hereinafter provided, and the assessor elected under this act shall have and possess the same

powers that are or may be conferred upon township assessors, except so far as they may be altered by this act; *provided, however*, that the common council may prescribe the form of assessment rolls and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as they may from time to time deem advisable.

**What subject to special assessments.**

SECTION 7. Real estate exempt from taxation by the laws of this state shall be subject to special taxes as other real estate under this act.

**Taxes and assessments to be lien upon property.**

SECTION 8. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the tenements upon which they may be assessed, from the time of the confirmation of such assessment roll, and all personal property of any person or body politic assessed for personal taxes, from the date of the warrant for the collection thereof until such tax shall be paid; and no sale or transfer of such real or personal estate shall affect said lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

**Duty of city assessor.**

SECTION 9. The assessor shall complete and return his assessment roll to the board of equalization of said city on or before the first Monday in July in each year. During the last week of the month of June in each year, the assessor shall attend at the chambers of the common council for the purpose of hearing the complaints of persons who may feel themselves aggrieved by such assessment, and shall make alterations and such amendments thereto as justice and equity may require.

**Property omitted in previous years to be assessed for those years.**

SECTION 10. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the two preceding years, and that the same was then liable to taxation, he shall, in addition to the assessment for that year, assess the lot or tract so omitted for such year or years in which it shall have been so omitted, at the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if made in the year when the same was omitted. And the common council shall, in addition to the taxes for the current year, levy such taxes upon such lots or tracts, as the same would have been chargeable with had not the same been so omitted, and such taxes shall be collected as other taxes or assess-

ments are for the current year. All lands shall be subject to taxes that may have been omitted, in whosoever hands they may have come. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying the same, but not affecting the equity or justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void to be re-levied in such manner as they shall by ordinance direct; *provided*, that if the defect was in the assessment the same shall be again assessed at such time as the common council may direct, and the said tax or assessment so re-assessed or re-levied, shall be and continue a lien upon said lot or tract, and shall be collected as other taxes and assessments are collected under this act.

**Board of equalization, and duties of same.**

SECTION 11. The mayor, city clerk, city treasurer and assessor shall constitute a board of equalization, and shall meet at the chamber of the common council on the first Monday of July, in each year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, revising, correcting and equalizing the assessment rolls of the several wards in the city. The mayor shall be president of the board of equalization, and the city clerk the clerk thereof. The board may supply omissions in said roll, and for the purpose of equalizing the same may alter and add to, take from and otherwise revise and correct the same; *provided, however*, the board shall not have the power to increase the amount of said roll, except by adding the value of such real property as may have been omitted by the assessor.

**Levy of tax by common council.**

SECTION 12. After the corrections and revisions of the assessment roll by the board of equalization, the same shall be filed with the city clerk, who shall record all changes made therein by said board. The common council shall thereupon by resolution, levy such sum or sums of money not exceeding the authorized per centage as may be sufficient for the several purposes for which taxes are herein authorized to be levied, particularly specifying the purposes for which the same are levied.

**Duty of city clerk.**

SECTION 13. The city clerk, on receiving the correct assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, shall calculate and carry out the total amount of such taxes, together with all the city and other local taxes, setting

down opposite to the several sums set down, as the valuation of real and personal property, the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent.

Clerk to make duplicate copy of roll.

SECTION 14. Upon the completion of said roll the clerk shall make a duplicate copy thereof and deliver the same to the city treasurer on or before the second Monday in December in each year. To the roll so delivered shall be annexed a warrant under the hand of the clerk and the corporate seal of the city, which warrant sall be substantially in the following form:

Form of warrant.

THE STATE OF WISCONSIN:

To the treasury of the city of New London, in the counties of Waupaca and Outagamie.

You are hereby commanded to collect from each of the persons and corporations named in the annexed assessment roll and of the owners of the real estate described therein the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described, and in case any person or corporation upon whom any such tax is imposed shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of goods and chattels of the person or corporation so taxed, and out of the moneys so to be collected you are first to pay the treasurer of said county of Waupaca on or before the last Monday in January next the sum of —— for state taxes, and the further sum of —— for county taxes, and at the same time you are to pay to the treasurer of Outagamie county the sum of —— for county taxes, and the balance of said money you are required to retain, and pay out according to law, and in case said taxes and assessments shall not be paid before the fourth Monday of February next, you are to return the same, together with the original assessment roll, to which this warrant is annexed, to the treasurer of said counties, as provided by law.

Given under our hands and the corporate seal of said city this —— day of ——, 18—.

—— ——, Mayor.
—— ——, Clerk.

Roll and warrant to be evidence.

SECTION 15. The said assessment roll and warrant thereto attached, shall be *prima facie* evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

When taxes may be remitted.

SECTION 16. After the assessment roll is completed and placed in the hands of the city treasurer for collection, it shall not be lawful for the common council to remit, annul or cancel any tax charged against any real or personal property, except in the following specified cases: 1. When a clerical error has been made in descriptions, or transfer of the property from the original assessment list or books to the tax roll, or in the extension of the tax. 2. When improvements by the erection of buildings have been assessed on lots or lands when none have been made at the time fixed by law for making the assessments. 3. When the tax is manifestly illegal and void, by reason of the exemption of the property from taxation by law.

Treasurer to give notice of taxes due.

SECTION 17. On receipt of the tax roll and warrant, the treasurer shall give two weeks' public notice in the official paper, that such tax roll (describing for what purpose such taxes are levied,) has been delivered to him for collection, and all taxes must be paid to him at his office, within thirty days from the date of said notice of the taxes on personal property, are not paid within said time. He shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of said sale, by posting up not less than three written notices in as many public places in said city.

Delinquent property subject to sale.

SECTION 18. Each and every lot or lots or any other piece of land upon which the taxes, interest and charges shall not be paid by the fourth Monday of March next after the levying and assessing of the same, shall be subject to sale as by law provided.

Return of lands for delinquent taxes.

SECTION 19. In case no goods or chattels shall be found of which to collect the taxes on any lot or lots or other pieces of land or property, it shall be the duty of the city treasurer to make out a list of all property and taxes remaining unpaid, on lands and property lying within the county of Waupaca, at the time required by the laws of this state, next succeeding the date of his tax list and warrant, and the list so made with his affidavit thereto attached, stating that the taxes therein contained had not been collected, and that he had been unable to find goods and chattels out of which to collect the taxes, shall be called the delinquent list, and it shall be his duty to deliver such delinquent list to the treasurer of Waupaca county at such time as is required by law, and he shall at the same time pay over to said county treasurer all moneys

collected by him and not before paid over, belonging to said county of Waupaca, and all moneys belonging to the state of Wisconsin collected on property within said county of Waupaca, in the same manner as required by law of town treasurers. He shall also make out a list of all the property and taxes remaining unpaid on land and property lying in that portion of said city comprised within the county of Outagamie, at the time required by the laws of this state next succeeding the date of his tax list and warrant, and the list so made with his affidavit thereto attached, stating that the taxes therein contained had not been collected, and that he had been unable to find goods and chattels out of which to collect the taxes, shall be called the delinquent list, and it shall be his duty to deliver such delinquent list to the treasurer of Outagamie county at such time as is required by law, and he shall at the same time pay over to said county treasurer all moneys collected by him and not before paid over, belonging to said county of Outagamie, and all moneys belonging to the state of Wisconsin, collected on property within said county of Outagamie, in the same manner as required by [law] of town treasurers.

**Duties of treasurers of counties of Waupaca and Outagamie.**

SECTION 20. It shall be the duty of the county treasurers of the counties of Waupaca and Outagamie respectively, and they are hereby required when lots, tracts, pieces or parcels of land have been returned by said city treasurer as delinquent, for any general tax of the state or of said counties, or for any tax or assessment authorized under the several acts incorporating said village or city of New London, immediately after the sale of said delinquent lots, tracts, pieces or parcels of land by them, or as soon thereafter as may be, to pay said city treasurer the amount which may have been returned as delinquent belonging to said city, either in cash or certificates of sale of said lots, tracts, pieces or parcels of land so returned as delinquent.

**Informality not to vitiate proceedings.**

SECTION 21. All directions hereby given for the assessment of lands and the levying and collection of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same not affecting the substantial justice of the tax itself, shall vitiate or in any way affect the validity of the tax so assessed.

**Taxes to be lien upon property.**

SECTION 22. In all cases when by virtue of the act any charge or assessment shall be carried out on the tax list in a separate column or columns, opposite the lot or tract upon which the same may be a lien, the

treasurer shall collect or do all other acts in regard thereto in the same manner as in the collection of other taxes, and all taxes and assessments, general and special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be levied or assessed, and upon all personal property of any person or body politic, corporation or association assessed for personal taxes from the time of the equalization of the assessment roll by the city board of equalization, until such tax shall be paid, and no sale or transfer of such real or personal estate shall affect such lien. Any personal property belonging to the person taxed may be taken and sold for the payment of tax upon personal property.

**Fees of treasurer for collection of taxes.**

SECTION 23. The treasurer shall be entitled to receive and collect as fees for the collection of taxes one per cent. upon all taxes collected by or paid to him between the second Monday of January and the second Monday of February in each year two per cent., and in each case of a distress and sale made by him of goods and chattels, for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sale of goods upon execution. The city treasurer shall collect the fees hereinbefore described; and he shall keep in a book, to be provided for that purpose, a true account and statement of all fees by him received as city treasurer, from any source whatever, and such book shall be open at all reasonable times, to the inspection of any person; and the city treasurer shall, when required, make report to the common council duly certified on oath, of all fees or other moneys received by him as treasurer, and he shall receive no other or further compensation for his services as treasurer than as hereinbefore provided, except that the common council shall provide him with all necessary books, blanks and stationery requisite to the discharge of his duties.

**Taxes to be paid or tendered before objections to title interposed.**

SECTION 24. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land, or to set aside or set up or interpose any objections to the title derived by virtue of any deeds executed in consequence of the nonpayment of such taxes and of the sale of the premises therefor, unless such person shall first pay or tender to the proper party, or deposit for his use with the county treasurer, the amount of all state, county and city taxes that may remain unpaid upon each lot or tract, together with the interest and charges thereon.

SECTION 25. All the general laws of this state which now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city except as otherwise herein specially provided. The city treasurer shall proceed to enforce the collection of all taxes and assessments in the manner provided by law for the collection of taxes by town treasurers except as herein otherwise provided. General laws of state to apply.

## CHAPTER XI.

### DISQUALIFICATIONS AND IMPEACHMENTS.

SECTION 1. No member of the common council shall vote upon any question, matter or resolution in which he may be [directly] or indirectly interested. When unlawful for member of council to vote.

SECTION 2. No alderman shall be a party to or interested in any job or contract with the city or any of the wards, and any contract in which any alderman may be so interested shall be null and void, and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract and the alderman interested in the same. No alderman to be interested in contract with city.

SECTION 3. If any member of the common council, or other officer or agent of the city government, shall directly or indirectly accept or agree to accept or receive any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange, draft, order or certificate, or any security for the payment of money or goods or chattels, or any deed of writing containing a conveyance of land or conveying or transferring an interest in real estate or any valuable contract in force, or any other property or reward whatever, in consideration that such member of the common council, or the officer or agent, will vote affirmatively or negatively, or that he will not vote, or that he will use his interest and influence on any question, ordinance or resolution, contract, or other matter or proceeding pending before the common council, or on which such officer or agent may be called upon to decide or act in any particular manner, such member of the common council, officer or agent shall be removed from office, and his office declared vacant by the common council, and both he and the person or persons offering or paying such consideration, directly or indirectly, shall be deemed guilty of felony, and on conviction thereof, shall be punished by imprisonment in Penalty for bribery.

the state prison for not more than three years nor less than one year, or by fine not exceeding three thousand dollars ($3,000.00) nor less than three hundred dollars ($300.00), or by both fine and imprisonment at the discretion of the court.

Charges of official misconduct.

SECTION 4. Whenever any charges of official misconduct shall be preferred against any member of the common council or any officer of the city, the council shall proceed to investigate such charges, and may compel the attendance of witnesses and examine the same under oath.

Trial of such charges.

SECTION 5. Subpœnas may be issued for the purpose of procuring the attendance of witnesses before them. Each subpœna shall state when and where the witness is required to appear and testify, and may require such attendance forthwith or on a future day named and the production of books, records, documents and papers therein to be designated; all such subpœnas shall be signed by the city clerk of said city, and shall be issued under the seal of said city, and may be served in the same manner, and shall have the same force and effect as subpœnas issued out of the circuit court. Any willful or corrupt false swearing ly any witness or person giving testimony before the bouncil on making deposition to any material fact recating to the matter under investigation before the council shall be deemed guilty of perjury and shall be punished as such in the manner provided by law. The provisions of law in respect to the attachment of witnesses subpœnaed before justices of the peace and compelling the attendance of such witnesses to appear and testify before them are hereby applied to the case of witnesses subpœnaed before the common council, and the council may exercise the powers of arrest, fine and imprisonment for contempt vested in the court in such cases. Writs of attachment and commitment for contempt shall be signed by the mayor and city clerk and sealed with the corporate seal of the city.

## CHAPTER XII.

### ACTIONS TO RECOVER PENALTIES, ETC.

Actions to be brought in name of city.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt

for such penalty or forfeiture, stating the chapter and section of this act, or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

First process to be by summons.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act, or any by-law, ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant, as in case of tort before justices of the peace under general statutes of the state for the time being.

Form of summons.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form:

COUNTIES OF WAUPACA AND OUTAGAMIE — *City of New London — ss.*

The State of Wisconsin to the sheriff or any constable of said counties, or to the chief of police of the city of New London:

You are hereby commanded to summons A. B., if he shall be found within your county, to appear before the undersigned, one of the justices of the peace in and for said city, at his office in said city, on the —— day of —— 18—, at ——o'clock in the —— noon, to answer to the city of New London to the damage of said city, two hundred ($200) or under.

Given under my hand at the said city this —— day of ——, 18—.

C. D., Justice of the Peace.

How summons served and made returnable.

SECTION 4. Such summons shall be made returnable and be served in the same manner as is now or hereafter may be prescribed by the laws of the state for the commencement of actions before justices of the peace by summons; and all proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons, and triable before justices of the peace.

Form of complaint.

SECTION 5. When the action is commenced by summons, the complaint may be substantially in the following form:

THE CITY OF NEW LONDON *against* A. B. — In Justice Court before C. D., Justice.

The plaintiff complains against the defendant for that the defendant on the —— day of —— 18—, at

the said city did violate section —— of chapter —— of this act, or section —— of an ordinance or by-law or regulation of said city, describing it by its title, which said —— is now in force. By reason of such violation an action hath accrued to the city of New London to recover of the defendant the sum of —— dollars, wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

Form of complaint for warrant.

SECTION 6. In all cases were oath is made for a warrant the complaint shall be made on oath and no other affidavit shall be necessary which last mentioned complaint may be substantially in the following form: THE CITY OF NEW LONDON against A. B. In justice court before C. D., Justice.

COUNTIES OF WAUPACA AND OUTAGAMIE — SS.

—— ——, being duly sworn, complains on oath to C. D., one of the justices of the peace in and for the city of New London, in said county, that A. B. on the — day of ——, 18—, at said city, did violate section — of chapter — of this act, or section — of an ordinance, or by-law, or regulation of said city, describing it by its title, which said —— is now in force as this complaint [complainant] verily believes, and prays that said A. B. may be arrested and held to answer to said city of New London therefor.

Sworn and subscribed this — day of ——, 18—, before me. —— ——.

It shall be sufficient to give the number of the section, and chapter of this act, or the section of the ordinance, by-law or regulation violated, or particular part thereof, in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following terms:

Form of warrant.

COUNTIES OF WAUPACA AND OUTAGAMIE — *City of New London* — ss.

The state of Wisconsin to the sheriff or any constable of said county, and to the chief of police of the city of New London, greeting:

Whereas, —— ——, has this day complained to me in writing, on oath, that A. B., on the —— day of ——, 18—, at said city, did violate section —— of chapter —— of this act; or sections ——, of an ordi-

nance or by law or regulation of said city, describing it by its title, which said —— is now in full force as the complainant believes. Therefore, you are commanded to arrest the body of said A. B., and bring him before me forthwith, to answer to the city of New London on the complaint aforesaid.

C. D., Justice of the Peace.

How case to be tried.

Upon the return of the warrant, the justice may proceed summarily with the case, unless it be adjourned by consent, or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize with security to be approved by the court, for his or their appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Waupaca or Outagamie counties. The complaint as aforesaid shall be the only complaint required, and the answer of "not guilty" shall put in issue all subject matter embraced in the action.

Printed copy of ordinance, etc., to be evidence.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper or in pamphlet or book form, purporting to be published by authority of the common council, or certified by the clerk of said city to have been so published, shall be *prima facie* evidence of its passage and publication, and shall be received in evidence on the trial of all cases coguizable before any court in this state.

Prepayment of fees not necessary.

SECTION 8. Witnesses and jurors shall attend before a justice of the peace in all city and criminal suits without the payment of fees in advance, or a tender thereof, upon proceess duly served, and in default thereof, their attendance may be compelled by attachment.

Findings of court.

SECTION 9. In city prosecutions the findings of the court or jury shall be either "guilty" or "not guilty." If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant and the nonpayment thereof, the justice shall forthwith issue execution as in other cases of tort, in case the action was commenced by summons, or a commitment, in case it was com-

menced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned for non payment, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution may be in the following form:

Form of execution.

COUNTIES OF WAUPACA AND OUTAGAMIE — *City of New London* — ss.

The State of Wisconsin, to the sheriff or any constable of said counties, or to the chief of police of the said city, and to keepers of common jails of said counties, greeting:

Whereas, the said city of New London, on the —— day of ——, 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for the said city against —— for the sum of —— dollars, together with —— dollars and —— cents, costs of suit, for the violation of section —— of chapter —— of this act, or section —— of an ordinance or by-law or regulation of said city (describing it by its title): You are hereby commanded to levy distress of goods and chattels of said ——, excepting such as the law exempts, and make sale thereof according to law to the amount of said sums, together with your fees and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels wherein to levy, to take the body of said ——, and him convey and deliver to the keeper of the common jail in Waupaca or Outagamie; and said keeper is hereby commanded to receive and keep in custody in said jail the said —— for the term of ——, unless the said judgment, together with all the costs and fees, are sooner paid, or he be discharged by due course of law.

Given under my hand, this —— day of ——, 18—.

C. D., Justice of the Peace.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to levy and sale and return of writ.

Appeal to circuit court.

SECTION 10. Any defendant feeling aggrieved by the judgment of any justice of the peace in any action commenced under the provisions of this act, by summons and warrant, may appeal from such judgment to the circuit court or county court of the counties of Waupaca or Outagamie; *provided*, such defendant within twenty-four hours after the entry of such judgment enters into a recognizance with one or more sufficient sureties to be approved by such justice, con-

ditioned to appear before the court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him and shall forthwith cause the summons or warrant and return together with the proceedings and a copy of the entries on his docket in the action together with the recognizance to be filed in the office of the clerk of said court, and the city may appeal from any such judgment as in other cases before justices of the peace.

Appeal to be tried by jury.

SECTION 11. Said appeal shall stand for trial by jury unless a jury be waived in the manner provided by law, in said circuit court at the next term thereof after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to either party.

If judgment of justice confirmed, penalty to be inflicted.

SECTION 12. If the jugment of the justice shall be affirmed, or if upon the trial the defendant shall be convicted the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law, or regulation under which he or they are prosecuted and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts and enforce the same by execution as in actions of tort.

Residence not to disqualify as witness or juror.

SECTION 13. No person shall be an incompetent judge, justice, juror, or witness by reason of his being an inabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Village ordinances to remain in force.

SECTION 14. All ordinances and regulations now in force in the village of New London, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council after this act shall take effect.

Actions to be prosecuted by corporation.

SECTION 15. All actions, rights and penalties, fines and forfeitures in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

General laws for preservation of bridges to apply.

SECTION 16. The general laws for the preservation of bridges, and the punishment provided by such laws for willful and malicious injuries done thereto are hereby extended to and shall include all of the bridges erected or owned by said city over the Wolf and Embarrass rivers, and shall apply to any willful or malicious damage which may be done to either of them, by any person or persons whatever; and the common council of said city may, from time to time, make such

by-laws or ordinances as they may deem necessary for the preservation of such bridges and enforce the same by adequate penalties. In case of any damage done to any of said bridges by any vessel or water craft, or by the master or any person in command thereof, such vessel or water craft may be proceeded against by the said city, under the law to provide for the collection of demands against boats and vessels which does now or may hereafter exist.

Service of process.

SECTION 17. When any suit or action shall be commenced against said city, the services thereof may be made by leaving a copy of the summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk so served, forthwith to inform the city attorney thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such cases provided.

Penalties to be paid into city treasury.

SECTION 18. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city, except as provided in chapter 8 of this act.

Fire apparatus exempt from execution.

SECTION 19. All fire engines, hose, hose carts, hook and ladders, and wagons therefor, and all other apparatus and implements used to extinguish fire and all houses or buildings owned or occupied by said city, for such engines, hose, hose carts, hooks and ladders, and other apparatus and implements shall be exempt from attachment or execution issued in any action or on any judgment wherein the city shall be a party.

Private property not liable for city debts.

SECTION 20. No real or personal property of any inhabitant of said city, or of any individual or corporation shall be levied on or sold by virtue of attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or any judgment against said city.

## CHAPTER XIII.

### MISCELLANEOUS.

Contracts to be let to lowest bidder.

SECTION 1. All contracts for work ordered by the common council shall be let to the lowest bidder, who shall have complied with the requirements hereinafter set forth. All bids, or proposals, shall be sealed and directed to the common council and shall be accompanied with a bond to the city of New London in the penal sum of one-third of the city's estimate of the cost of the work, which bond shall be signed by the bidder and by two or more responsible sureties who shall each

make affidavit that he is worth the penal sum of such bond over and above all his debts, liabilities and exemptions, such bonds and sureties to be approved by the common council previous to the opening of the accompanying bids or proposals, and shall be conditional that such bidder will execute and perform the work for the price mentioned in his proposal and according to the plans and specifications on file, in case the contract shall be awarded to him, and in case of default on his part to execute a contract with satisfactory sureties, and to perform the work specified; said bond may be prosecuted in the name of the city and judgment recovered thereon for the full amount of the penalty thereof as liquidated damages in any court having jurisdiction of the action.

Contractors to give security.

SECTION 2. No contract shall be entered into by the city unless the same shall be executed by two or more sureties for the contractors, guaranteeing to the satisfaction and approval of the proper authorities the performance of such contract by the contractors, each of which sureties shall make an affidavit endorsed on, or attached to such contract, that he is worth the estimated amount of money to be paid such contract over and above all his debts, liabilities and exemptions. Whenever the lowest bid for any work to be let by said city shall appear to the said council to be unreasonably high, the said council s authorized to reject all bids therefor and to re-let the work anew.

Precautions against accidents to be required.

SECTION 3. Whenever the city shall let any work or improvement, which shall require the digging up, use or occupancy of any street, alley, highway or public ground, within said city, there shall be inserted in the contract therefor substantial covenants requiring such contractors, during the night time and during all times when work therein is suspended, to put up and to maintain such barriers and lights as will effectually prevent the happening of any accident in consequence of such digging up, use or occupancy of said street, alley, highway or other public grounds for which the city might be liable, and also such other covenants and conditions as experience has proved or may prove necessary to save the city harmless from damages, and it shall also be provided in such contracts that the party contracting with the city shall be liable to said city for all damages occasioned by the digging up, use or occupancy of the street, alley, highway or public grounds, or which may result therefrom, or which may result from the carelessness of such contractor, his agent, employes or workmen.

City to be indemnified against damages for accidents.

SECTION 4. Whenever any work or improvement shall be let by contract to any person or persons, firm or corporation, covenants shall be inserted in such contract binding such person or persons, firm or corporation, and the sureties to save and indemnify and keep harmless the said city against all liabilities, judgments, costs and expenses which may in any wise come against said city in consequence of the granting of such contract, or which may in any wise result from the carelessness or neglect of such person or persons, firm or corporation or his or its agents, employes or workmen in any respect whatever.

Appropriation of money.

SECTION 5. No moneys shall be appropriated for any purpose whatever except such as are expressly authorized by this act.

Remission of penalties.

SECTION 6. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a two-thirds vote of the aldermen elect.

New survey of lines and boundaries.

SECTION 7. The common council may at any time cause a new and accurate survey to be made of the line and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made, and certified to by the surveyor, which shall be filed in the office of the city clerk.

Surveys and landmarks to be evidence.

SECTION 8. The surveys and landmarks so made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks in all cases in which they shall be drawn into controversy in all courts in this state.

Establishment of grades of streets, etc.

SECTION 9. The common council may, at such time as they may deem proper, establish the grades of all the streets, alleys and sidewalks in said city or any or either of them, and shall cause accurate profiles thereof to be made, which shall be filed in the office of the city clerk, and should the grade so established be at any time thereafter altered, all damages, costs and charges arising therefrom shall be paid by the city to the owners of lots or parcels of land or tenements which may be affected or injured in consequence of the alteration of such grade.

City may purchase and hold property.

SECTION 10. The said city may have, purchase or hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same while owned and occupied or held by said city shall be exempt from taxation.

SECTION 11. When the city of New London deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of New London, and the person or persons authorized to execute such deed or lease need not be named in the body thereof. **How deeds, etc., to be executed.**

SECTION 12. The mayor of said city is hereby authorized, when the common council shall so direct, and shall, by ordinance or resolution describe the real estate and interest to be conveyed, to execute a deed or lease of such real estate or interest therein belonging to said city. The said deed or lease shall be signed by the mayor of the city, and countersigned by the city clerk and sealed with the corporate seal of said city, and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances. **Mayor to execute instruments.**

SECTION 13. When any such deed or lease is so executed the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with the said deed or lease, and such copy so attached and the record thereof shall in all courts of this state be *prima facie* evidence of the authority of the mayor to make and execute such deed or lease. **Duty of city clerk.**

SECTION 14. If any election by the people or common council shall, for any cause not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or abolishing said corporation, but such election or organization may be had at any subsequent day by order of the mayor, and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city, to be done by an officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which said act may be done and performed. **When election not held at prescribed time.**

SECTION 15. No general law of this state contravening the provisions of this act shall be considered as repealing, annulling or modifying the same, unless such purposes be expressly set forth in such law as an amendment to this charter. **Act not repealed by general laws.**

SECTION 16. The village clerk of the village of New London shall immediately after the city officers are elected and qualified deliver over all books and papers to the city clerk, and the village treasurer shall pay over all moneys in his hands to the city treasurer, also **Village clerk to surrender books and papers.**

to deliver all books, papers and property pertaining to his office to the same.

SECTION 17. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 16, 1877.]

## CHAPTER 163.

AN ACT to legalize the tax roll of the town of Marietta, in Crawford county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Tax roll legalized.

SECTION 1. That the tax roll of the town of Marietta, in the county of Crawford, for the year 1875, is hereby declared valid for all purposes.

SECTION 2. This act shall take effect and be in force [from] and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 13, 1877.]

## CHAPTER 164.

AN ACT to change the time for holding the general terms of the circuit court in Walworth county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

When general terms held.

SECTION 1. From and after the first day of March, 1877, the general terms of the circuit court in and for the county of Walworth, in the first judicial circuit of this state, shall be held on the second Mondays of February, June and September in each year; *provided*, that no jury shall be summoned for the June term of said court, but said court shall have power at such June term to transact any business or do any act which may be lawfully transacted or done at a general term of the circuit court without the intervention of a jury.

Term of March, 1877.

SECTION 2. Until the said first day of March, 1877, the several terms of the circuit court for the aforesaid

county shall be held at the time now fixed therefor by law.

SECTION 3. The circuit court of the said county of Walworth shall be deemed to be open for the transaction of business from the commencement of one regular term to the commencement of another, and an adjournment from day to day of the term shall not be necessary to the validity of any proceedings therein. When court deemed open.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 21, 1877.]

## CHAPTER 165.

AN ACT relating to the salary of county judges and amendatory of section 3, of chapter 121, of the general laws of 1868, as amended by chapter 54, of the general laws of 1871.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 3, of chapter 121, of the general laws of 1868, as amended by chapter 54, of the general laws of 1871, is hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1877.

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[*Published March* 20, 1877.]

## CHAPTER 166.

AN ACT in relation to fees of county judges, and to repeal chapter 123 of the laws of 1871, and amendatory of section 2 of chapter 121 of the laws of 1868.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter 123 of the general laws of 1871, entitled an act to amend chapter 121 general laws of 1868, entitled an act relative to the compensation of county judges is hereby repealed. Repealed.

Amended.

SECTION 2. Section 2 of chapter 121 of the laws of 1868, is hereby amended so as to read as follows: Section 2. Each and every county judge in this state is hereby prohibited from taking or receiving, either directly or indirectly, any fees whatever for his official services in the administration of the estates of deceased persons, or in the appointment of guardians to minors; *provided*, that this act shall not apply to counties authorized by special or private act to receive probate fees.

Fees not to be taken by county judge.

Proviso.

SECTION 3. This act shall take effect from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 13, 1877.]

## CHAPTER 167.

AN ACT relating to drainage in the city of Manitowoc, amendatory of section 7, of chapter 228, of the laws of Wisconsin for 1875.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section (7) seven of chapter 228 of the laws of Wisconsin for 1875, is hereby amended to read as follows: Section seven (7). For the purpose of drainage, the city of Manitowoc is divided into two drainage districts as follows: The first drainage district shall consist of all of said city situated on the south side of the Manitowoc river, and the second drainage district shall consist of all of said city on the north side of said river. The mayor and board of aldermen may, at any regular or special meeting of said board, order by resolution or order, the building or construction of any subterranean drain, sewer or culvert, and shall have authority to make all necessary provisions for drainage within said city. The votes given for or against such order or resolution shall be by ayes and noes, and shall be recorded in the book of proceedings. Such order or resolution shall specify the location of such drain, sewer or culvert, the size thereof, the material of which it shall be constructed, the depth below the surface of the ground, and the time when it shall be completed. Whenever such order or resolution shall be passed by the board of aldermen, the city clerk

Boundaries of drainage districts.

Construction of drains.

shall give public notice by publication in the official papers of the city, that sealed proposals will be received within ten days from the first publication of said notice, for the construction of said sewer, drain or culvert. On the said day, or as soon thereafter as may be, said proposals shall be opened in the presence of the board of aldermen, and the contract shall be let to the lowest responsible bidder, for the construction of said drain, sewer or culvert; *provided*, however, that said board may reject any or all bids. Bonds with two or more sufficient sureties for the faithful performance of the work contracted for, in the penal sum of double the contract price, and to be approved by the board of aldermen, shall in all cases be given. The cost of constructing or building sewers, drains, or culverts, or of repairing or cleaning them, shall be paid by the drainage district in which such drain, sewer, or culvert shall be built, repaired or cleaned; and the board of aldermen may annually, at the time of levying the general city taxes, levy such an amount of taxes in each drainage district as a drainage fund, as they may deem necessary. Such taxes shall be levied and collected in the same manner as other taxes, but the money so levied and collected shall be expended for drainage purposes only.

**How payment for work to be made.**

SECTION 2. All acts and parts of acts relating to drainage in the city of Manitowoc, and conflicting with the provisions of this act are hereby repealed.

**Repealed.**

SECTION 3. This act shall be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 22, 1877.]

## CHAPTER 168.

**AN ACT relating to the organization of corporations for manufacturing and other purposes, and amendatory of section 12 of chapter 144 of the general laws of Wisconsin for 1872.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 12 of chapter 144 of the general laws of Wisconsin for 1872, is hereby amended so as to read as follows: Section 12. Every such corporation

**Amended.**

Corporations authorized to hold property.

shall, by their said name, have power to acquire and hold all such lands, tenements and hereditaments, and all such property of every kind as shall be necessary for the purposes of said corporation, or as shall be necessary for the protection or benefit of its interests in the property held or used for the purposes of such corporation, and all such other lands, tenements and hereditaments as shall be taken in payment of or security for debts due to such corporation, or on contracts made with the same, and to manage, sell, mortgage and dispose of the same at pleasure; *provided*, that this act shall not be construed as conferring any authority or power on such corporations to subscribe to, take or hold stock in any corporation formed under this act.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 169.

AN ACT to amend section 32 of chapter 130 of the general laws of 1868, entitled "An act to provide for the assessment of property for taxation, and the levy of taxes thereon."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section thirty-two (32) of chapter one hundred and thirty (130) of the general laws of 1868, entitled "An act to provide for the assessment of property for taxation, and the levy of taxes thereon," is hereby amended so as to read as follows: "Section 32. The treasurer of each town, incorporated village or city, shall execute and deliver to the county treasurer of his county a bond, with sureties to be approved as hereinafter provided, in the penal sum of double the amount of state and county taxes apportioned in his town, incorporated village or city, conditioned for the faithful peformance of the duties of his office, and that he will account for and pay over according to law, all state and county taxes which shall come into his hands. The said bond and the sureties thereof of the town treasurer shall be approved by the chairman of the board of supervisors of the town, and the said bond and sureties thereof of any incorporated village or city

Town treasurer to give bonds.

treasurer shall be approved by the county treasurer of his county. The county treasurer shall give to said town, village or city treasurer a receipt for said bond so approved, and file and safely keep said bond in his office.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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## CHAPTER 170.

AN ACT relating to town insurance companies. To legalize the action of the Farmers' Mutual Fire Insurance Company of the towns of Troy and East Troy, of the county of Walworth.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The acts of the Farmers' Mutual Fire Insurance Company of the towns of Troy and East Troy, of the county of Walworth, insuring property of the citizens of the town of Spring Prairie, as provided in chapter twenty-seven, laws of 1876, are hereby legalized and declared valid to all intents and purposes. Acts legalized.

SECTION 2. This act shall take effect from and after its passage.

Approved March 7, 1877.

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[*Published March* 13, 1877.]

## CHAPTER 171.

AN ACT to legalize the acts of the board of supervisors of the town of Star Prairie, in the county of St. Croix, Wisconsin, in building a bridge across Willow river, in section No. 36 of said town.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The acts of the supervisors of the town of Star Prairie, in the county of St. Croix, in building a bridge across Willow river, in section number thirty-six (36) of said town, are hereby legalized, and the chairman of the board of supervisors of said town and the town clerk are hereby authorized to issue town Acts legalized.

orders of said town to the contractor for the payment of the same in accordance with the contract.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1877.

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[*Published March* 20, 1877.]

## CHAPTER 172.

AN ACT to prevent certain officers and teachers from acting as agents in the sale of school books.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**School officers and teachers not to be agent for books.**

SECTION 1. From and after the passage and publication of this act, it shall be unlawful for any county superintendent, or any officer or teacher of any public school, district or public school in this state, to act in any manner, either directly or indirectly, as agent or solicitor for the sale of stationery or of any school book or books.

**Penalty for violation.**

SECTION 2. Any person violating the provisions of this act, upon conviction thereof before any court of competent jurisdiction, shall be fined for the benefit of the school fund of his or her school district, not less than fifty dollars nor more than two hundred dollars, in the discretion of the court.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 14, 1877.]

## CHAPTER 173.

AN ACT in relation to the exchange of the laws, documents and supreme court reports of this state.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Duty of state librarian.**

SECTION 1. It is hereby made the duty of the state librarian to forward to the congressional library two

volumes of the laws, supreme court reports, legislative journals, reports of departments and other documents published by authority of this state, and one copy of each of such publications to the several states and territories, which practice like comity with this state. All provisions of law requiring such documents to be distributed as above specified, by the superintendent of public property, shall hereafter be construed to apply and refer to the state librarian.

Secretary of state to audit accounts for postage, etc.

SECTION 2. The secretary of state is hereby authorized to audit the accounts of the state librarian, for postage and express charges incurred in distributing the documents mentioned or referred to in section one of this act.

Duty of superintendent of public property

SECTION 3. It shall be the duty of the superintendent of public property to deliver to the state librarian as soon after their publication as possible, as many copies of the laws, journals and documents of this state as may be required for the purposes specified in section one of this act, such number to be in addition to the number now required to be delivered for the use of the state library.

Officers to deliver books to successors.

SECTION 4. It is hereby made the duty of any officer of this state who may receive any volume or volumes of the laws, journals, reports, statutes or other documents of any state or territory, or of the United States, from any of the officers thereof, for the use of the state, to immediately deliver them to the state librarian for the state library.

Repealed.

SECTION 5. Section 43 and subdivision 2, of section 49, chapter 243, laws of 1874, are hereby repealed.

SECTION 6. This act shall be in force from and after its passage.

Approved March 7, 1877.

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[*Published March* 13, 1877.]

## CHAPTER 174.

AN ACT to authorize Chippewa county, in this state, to issue bonds for a certain purpose.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to issue bonds.

SECTION 1. The county board of Chippewa county in this state, may, when a sufficient amount of taxes of

said county have not been collected to pay the ordinary expenses of the county, issue bonds of said county to an amount not exceeding twenty-five per cent. of the tax certificates in the treasury of such county; *provided* such amount shall not, with all other indebtedness, exceed five per centum on the value of all taxable property of the county of Chippewa, to be ascertained by the last assessment for state and county taxes previous to issuing such bonds.

Limit of issue.

When bonds may be issued.

SECTION 2. Such bonds shall not be so issued, unless the resolution ordering the issue thereof shall have been ordered by a majority of all the members elect of the county board of such county, and the vote ordering such issue taken by ayes and noes, and such vote recorded in the minutes of the proceedings of the county board, by the county clerk; *provided*, that not more than eighteen thousand dollars shall ever be issued under the provisions of this act.

Rate of interest

SECTION 3. The bonds so issued by any county board shall not bear interest at a greater rate than eight per cent. per annum, and shall be made payable within five years after the isue thereof.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 14, 1877.]

## CHAPTER 175.

AN ACT to authorize the county board of supervisors of the county of Clark to levy and collect a tax for the purpose of building roads in Clark county, Wisconsin.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to levy tax for road purposes.

SECTION 1. The county board of supervisors of Clark county are hereby empowered and authorized to levy a county tax upon the taxable property of such county, to the amount of ten thousand dollars, for the purpose of constructing and improving a road or roads from the village of Dorchester, in said county, by the most feasible and direct route westwardly to the fourth principal meridian line, at a point between sections 18 and 19, in town 29, range 1 east, and from the village of Colby, in said Clark county, by the most feasible

and direct route, to said fourth principal meridian line, where it strikes the southwest corner of section seven (7), township 28, range 1 east, and along the said fourth meridian line between the points where it is entersected by the aforesaid roads; *provided*, that the said board of supervisors shall not levy more than five thousand dollars tax for the purpose in any one year; *and provided*, that two fifths of the amount so levied shall be used upon the road from Dorchester to the meridian line aforesaid, two-fifths on the road from Colby aforesaid, to the southwest corner of said section seven (7) in township 28 of range one (1) east, and one-tenth on the meridian line, commencing at a point on said meridian line between sections 18 and 19, town 29, range one (1) east, and running south; and one-tenth on the meridian line commencing at the southwest corner of section seven (7), in township 28, range one (1) east, and thence running north. After the aforesaid roads are completed to, and along the said meridian line to the southwest corner of said section seven (7), the balance of the ten thousand dollars thus appropriated, if any there be remaining, shall be expended on the road commencing at the southwest corner of section seven (7) aforesaid, running thence south on said fourth principal meridian line to, at or near the quarter post of sections nineteen (19) and twenty-four (24), township twenty-eight (28), range one (1) east and range one (1) west, thence westerly on the most direct and feasible route until it intersects the Black River Turnpike. The county board of supervisors of said Clark county are hereby empowered and authorized to levy a county tax upon the taxable property of the county of Clark, to the amount of three thousand dollars ($3,000), for the purpose of constructing a road from the village of Unity, in said county, to commence at the most feasible point in said village, and running west on the most feasible route to the fourth principal meridian line. This appropriation and the laying out and construction of said road shall be under the supervision and management of the three commissioners provided for in section two of this act. Should there be any surplus, after the completion of said road to the meridian line, the same shall be expended in constructing a road in a westerly direction to intersect the Black River Turnpike.

**Location of road.**

**Further authority to levy tax for road purposes.**

SECTION 2. In case said board shall levy said tax, it shall be the duty of said board of supervisors to appoint three commissioners, whose duty it shall be to

**Appointment of commissioners, and duties of same.**

section off said road into sections of two miles each, commencing at a point in the village of Dorchester, on the east end of the road so to be constructed, and at a point in the village of Colby, on the east end of the road to be constructed from said village of Colby, in Clark county, and also to commence at a point where said road, leading from Colby aforesaid, intersects the 4th principal meridian line, and running north until it shall intersect the road leading from Dorchester, and to make out a full statement of the nature and kind of work that is required to be done on each section, and the probable cost that will be required upon each section to make a good and sufficient wagon road of the same. When such statement shall be completed, it shall be filed with the county clerk of Clark county, Wisconsin; and on the receipt of such statement, it shall be the duty of such clerk to give notice of a public road letting to the lowest bidder, and in no case shall any bid be accepted by said commissioners for more than they have estimated the cost of such construction to be. In case the work is not all taken at such public letting, then the commissioners may proceed to let such work to any person who will do the same at the estimated cost on file with the said county clerk, but in case all of said work be not so let at the said cost, the said commissioners are hereby authorized to let said work or any portion thereof at higher rates than that fixed in the estimates filed with the county clerk aforesaid. Such notice of letting shall be published at least two successive weeks, once in each week, in one or more papers published in said county.

How work to be let.

How payment for work to be made.

SECTION 3. After such work shall be completed, or any part thereof, the said commissioners shall draw an order on the chairman and clerk of the county board of supervisors of said county for the payment of such work, or such part thereof, as shall be completed; and the said chairman and clerk aforesaid are hereby authorized, empowered and directed upon the receipt of such order from said commisioners, to sign, countersign, issue and deliver county orders for the amount of such work so certified by said commissioners to have been done, to the person or persons so named in the said order of said commissioners.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

[*Published March* 14, 1877.]

## CHAPTER 176.

**AN ACT to authorize the town of Mukwa, in the county of Waupaca to issue its corporate bonds in payment of the judgment against the said town in favor of George F. Hammond and Sophia C. Hammond.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Authority to issue bonds for payment of judgment.**

SECTION 1. It shall be lawful for the town of Mukwa, in the county of Waupaca, to issue its corporate bonds, drawing eight per cent. interest per annum, in payment of the judgment against the said town in favor of George F. Hammond and Sophia C. Hammond. The said bonds shall be made payable to George F. Hammond or bearer, as follows: Five hundred dollars on or before the first day of June, 1878; thirteen hundred and seventy-five dollars on or before the first day of June, 1879; thirteen hundred and seventy-five dollars on or before the first day of June, 1880; thirteen hundred and seventy-five dollars on or before the first day of June, 1881; and the balance of said judgment, interest and costs, on or before the first day of June, 1882. The interest shall be made payable annually, from the first day of June, 1877, according to the conditions of coupons or interest warrants to be attached to each bond.

**Who to issue bonds.**

SECTION 2. For the purpose of giving effect to the provisions of this act, the proper officers of the said town to execute, issue and deliver the said bonds shall be the chairman of the board of supervisors of said town and the town clerk of said town, who shall severally sign the said bonds.

**How interest and principal of bonds to be paid.**

SECTION 3. The said town of Mukwa shall be liable in law faithfully, promptly and at maturity to pay and discharge the principal and interest due upon every such bond, and the faith of said town by the issue of said bonds be irrevocably, inviolably pledged for the prompt discharge of such liability. And the said town shall annually levy and collect a tax on all its taxable property for the payment of the annual interest on all bonds issued under the provisions of this act, and for such sums of the principal as may become due the ensuing year, in addition to all other taxes equal in amount to the annual interest on all the said bonds and the principal of said bonds which may become due the

ensuing year. The coupons or interest warrants attached to said bonds shall be receivable for the said taxes by the treasurer of said town, whose duty it shall be to collect the said tax in the same manner as other taxes are collected, and such portion of said tax as shall not be paid in said coupons, shall by said treasurer be collected in money and by him paid over to the proper persons holding and presenting said bonds or coupons. The said bonds and coupons shall be made payable at the office of the town treasurer of the said town of Mukwa, and the presentation thereof for payment to the said town treasurer in person, shall be sufficient. If said town, through its proper officers, shall fail to levy such tax as is hereby required, the holders of any such bonds may apply to the circuit judge of the circuit court of the county of Waupaca, in term time or vacation, whose duty it shall be to issue forthwith his proper writ or order, commanding such officers to levy, collect and pay over such tax to the persons entitled thereto.

Judgment to be discharged upon delivery of bonds.

SECTION 4. Upon the due issue, delivery and acceptance of said bonds by the said George F. Hammond and Sophia C. Hammond, it shall operate as a discharge of said judgment, and the said George F. Hammond and Sophia C. Hammond shall cause said discharge to be entered for record in the office of the clerk of the circuit court for Waupaca county.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 13, 1877.]

## CHAPTER 177.

AN ACT to appropriate a sum of money to the Governor for the benefit of the state library, and to repeal chapter 321, general laws of 1864, and sections one and eight of chapter 26, Revised Statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby annually appropriated to the governor of this state, out of any money in the state treasury not otherwise appropriated, the sum of $1,500, to be expended by the state librarian for the

purchase of such law books, law reports, digests and statutes and such other works of reference as the trustees of the state library may designate as being most useful for state officers, members of the legislature and the bench and bar of this state.

SECTION 2. It shall be the duty of the state librarian to file vouchers for all money expended under the provisions of this act, in the executive office, and to report annually to the ledislature the condition of the library, with a list of the books added to it by purchase during the previous year. **Duty of state librarian.**

SECTION 3. This act shall be construed to appropriate the sum of $1,500 for the purpose specified in section one thereof, for the year 1877, as well as for subsequent years. **Act to apply to 1877.**

SECTION 4. Chapter 321, general laws of 1864, and sections one and eight of chapter twenty-six, of the Revised Statutes, are hereby repealed. **Repealed.**

SECTION 5. This act shall take effect from and after its passage.

Approved March 7, 1877.

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[*Published March* 13, 1877.]

## CHAPTER 178.

**AN ACT for the preservation of fish in the waters of Rock river and Hustisford mill pond, in the counties of Dodge, Jefferson and Rock.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. No person or persons shall place, set, draw or use any seine, net, scoop-net, pound or gill net, wire basket, grapple or trap, or any other contrivance or device, other than hook and line or spear, in the waters of Rock river or Hustisford mill pond, in the counties of Dodge, Jefferson and Rock, Wisconsin, for the purpose of taking or catching fish; and any person or persons who shall violate any of the foregoing provisions of this section, shall, on conviction thereof, be subject to a fine of not less than one dollar nor more than ten dollars for first offense, and not less than five nor more than twenty-five dollars for each and every subsequent conviction, pursuant to the provisions of this act. **Fish not to be taken except with hook and line.** **Penalty for violation.**

SECTION 2. Justices of the peace shall have jurisdiction to hear, try and determine all cases arising under **Jurisdiction of justices.**

this act; *provided*, that the defendant shall have the right of appeal and a jury trial, as in other cases.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 17, 1877.]

## CHAPTER 179.

AN ACT to amend section one (1), of chapter 67, of the laws of 1877, entitled "An act to amend section 2, chapter 222, general laws of 1874, entitled "An act to amend and revise the charter of the city of Wausau."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one (1), of chapter sixty-seven (67), of the laws of 1877, is hereby amended by striking out the words "Farrett street," where they appear in said section one, and by inserting in lieu thereof the words "Forest street," so that said section when so amended shall read as follows, to wit: Section one (1). Section 2 of the above act is hereby amended, so that the same shall read as follows: Section 2. The city of Wausau shall be divided into five wards as follows: All that territory within said city lying west of Main street and west of the east bank of the Wisconsin river, shall constitute the first ward, and all that territory within said city lying east of Main street, between Forest street and Washington street, to the east end of the city limits, shall constitute the second ward; and all that territory within said city lying east of Main street, between Washington street and McCellen street to the east end of the city limits, shall constitute the third ward; and all that territory within said city lying south of Forest street and east of the Wisconsin river, from the end of Forest street, shall constitute the fourth ward; and all that territory within said city lying east of Main street and north of McCellen street, shall constitute the fifth ward.

Ward boundaries.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

[*Published March* 20, 1877.]

## CHAPTER 180.

**AN ACT relating to the preservation of game in the state of Wisconsin and amendatory of chapter 329 of the laws of 1874.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two of chapter 329 of the laws of 1874 is hereby amended so as to read as follows: Section 2. No person shall at any time, or at any place within this state, catch or take with any trap, snare or net, any grouse, prairie hen or chicken, partridge, ruffled grouse or quail, under a penalty of ten dollars for each grouse, prairie hen or chicken, partridge, ruffled grouse or quail, so taken.

**Amended.**

**Unlawful to take game birds with trap or net.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 13, 1877.]

## CHAPTER 181.

**AN ACT relating to the board of equalization of the city of Manitowoc, and amendatory of section 4, chapter 275, private and local laws of 1870, entitled "An act to incorporate the city of Manitowoc."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 4, of chapter 275, of the private and local laws of 1870, is hereby amended to read as follows: "The mayor, city clerk, city assessor, and one alderman from each ward of the city, to be selected by the aldermen from such wards, shall constitute the board of equalization. The mayor shall be the president, and the city clerk the clerk of said board of equalization.

**Amended.**

**Board of equalization.**

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 7, 1877.

[*Published March 20, 1877.*]

## CHAPTER 182.

AN ACT to amend section one of chapter 299 of the laws of 1873, entitled "An act to amend chapter 56, general laws of 1870, entitled 'An act to provide for the incorporation and government of fire and inland navigation insurance companies.'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Amend section one (1) of chapter two hundred and ninety-nine (299) of the general laws of 1873, so that the section when amended shall read as follows: Section 1. Section thirty-three (33), chapter fifty-six, general laws of 1870, is hereby amended by striking out the word "incorporated," where it occurs in the thirty-fourth (34th) line, as printed, so as to read as follows: "Section 33. It shall be the duty of every company transacting the business of insurance, under this act, to include in its annual statement a statement showing the amount received in cash premiums for insuring property situated in this state, during the year for which such statement is made, also amount received in premium notes, in cash notes, and the amount received from other sources; and showing also the amount paid in this state for salaries, commissions to agents, and for losses during the same period. And each such company, before receiving a license to transact business for the current year, shall pay to the state treasurer a sum equal to two per centum of the gross cash receipts of said company in this state, including all notes taken for premiums during the year for which such statement is made; *provided*, all companies chartered or organized under the laws of this state, may be allowed to deduct from such gross receipts their office expenditures and officers' salaries; *provided*, that this act shall not be construed to prohibit cities and villages having an organized fire department from collecting the two (2) per cent. now allowed by law on the receipts of each insurance company within their respective limits, to be applied to the support of the fire department of such cities and villages."

Duty of insurance companies in making annual report.

To pay tax on gross receipts.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

[*Published March* 21, 1877.]

## CHAPTER 183.

**AN ACT relating to village cemeteries.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Any incorporated village within the state shall have power to purchase in the name of said village, outside of the limits of said village, suitable grounds to be used exclusively as a village cemetery, and the laws of this state relating to town cemeteries shall, so far as is practicable, govern said village cemeteries.

**Purchase of land for cemetery purposes authorized.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1877.

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[*Published March* 21, 1877.]

## CHAPTER 184.

**AN ACT to extend the benefits of the public schools of the state of Wisconsin.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Whenever any person between the ages of twenty and thirty years, residing in any school district, shall apply to the school board of such district or city, for admission to the public school, for the purpose of becoming more proficient in the English language, it shall be lawful for such board, in their discretion, to admit such person to any public school under their control, free of tuition, when in their judgment it will not interfere with the accommodation and instruction of the pupils of school age residing in such district or city.

**Admission to school of persons past school age.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

[*Published March* 13, 1877.]

## CHAPTER 185.

AN ACT to authorize the city of Racine to levy a special tax.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to levy tax.

SECTION 1. The common council of the city of Racine is hereby authorized to levy a special tax, at the time of the levy of taxes in said city for the year 1877, of not to exceed fifteen hundred dollars, to be expended in building and repairing cisterns in the proximity of the public school buildings in said city.

SECTION 2. This act shall be in force from and after its passage.

Approved March 7, 1877.

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[*Published February* 14, 1877.]

## CHAPTER 186.

AN ACT to authorize the Commissioners of School and University Lands to loan a portion of the trust funds of the state to the city of Neenah, Winnebago county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Commissioners of S. and U. lands authorized to loan trust funds.

SECTION 1. The commissioners of school and university lands are hereby authorized to loan a portion of the trust funds of this state, not exceeding in amount the sum of ten thousand dollars ($10,000) to the board of education of the city of Neenah, county of Winnebago, and the said board by and with the concurrence of the common council of said city are hereby authorized to borrow a sum not exceeding the amount named above of the said commissioners, and to issue to said commissioners certificates of indebtedness so contracted. Such indebtedness shall bear interest at the rate of seven per cent. per annum, and said interest shall be paid annually, and the principal sum so loaned shall be paid as follows: One thousand dollars ($1,000) on the fifteenth day of February, A. D. 1880; one thousand dollars ($1,000) on the fifteenth day of February, A. D. 1881; one thousand dollars

When loan to be repaid.

($1,000) on the fifteenth day of February, A. D. 1882; one thousand dollars ($1,000) on the fifteenth day of February, A. D. 1883; one thousand dollars ($1,000) on the fifteenth day of February, A. D. 1884; one thousand dollars ($1,000) on the fifteenth day of February, A. D. 1885; one thousand dollars ($1,000) on the fifteenth day of February, A. D. 1886; one thousand dollars ($1,000) on the fifteen day of February, A. D. 1887; one thousand dollars ($1,000) on the fifteenth day of February, A. D. 1888; and one thousand dollars ($1,000) on the fifteenth day of February, A. D. 1889.

**Duty of secretary of state to certify to county clerk amount due from city.**

SECTION 2. The secretary of state shall each year until the whole loan be repaid, furnish to the county clerk of said county, the amount which will be from such city, at the same time that he furnishes to that officer a statement of the state tax. It shall be the duty of the county clerk, on receiving such statement, to include the amount due from such city, in his apportionment of state taxes for the city of Neenah. The city clerk shall enter such amount so certified by the said county clerk in the annual tax roll of said city, and the tax shall be collected by the city treasurer, and paid with the state tax to the county treasurer who shall pay it to the state treasurer with the state taxes in cancellation of such certificates of indebtedness issued as aforesaid.

**Duties of city and county clerks.**

**Limit of indebtedness of city.**

SECTION 3. It is further provided that the said city of Neenah shall never during the period for which said loan shall remain unpaid, become indebted or contract debts for a greater amount, including debts heretofore contracted as well as that herein referred to, than five per cent. of the taxable property as the same shall appear from the last assessment roll. Before contracting any debt, and before any of said funds shall be delivered to said board of education of the city of Neenah, in exchange for said certificates of indebtedness against said city of Neenah, the board of education of said city shall file with the secretary of state an acceptance of the provisions of this act, and of the terms and limitations herein provided for and thereupon the sum to be loaned shall be payable upon the order of the said board of education, duly authtenticated by the chairman and clerk of said board in certificates of indebtedness now held by said commissioners of school and university lands.

**Acceptance of act to be filed.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

[*Published March* 14, 1877.]

## CHAPTER 187.

AN ACT relating to the catching of fish in Pecatonica river and its tributaries, in La Fayette county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Unlawful to take fish with seine or net.

SECTION 1. Hereafter it shall be unlawful for any person or persons to draw or use any seine, dip net or any other kind of net, or any snare or trap for catching fish in the Pecatonica river or any of its tributaries within La Fayette county.

Penalty for violation.

SECTION 2. Any person or persons convicted of a violation of any of the provisions of section one of this act shall pay a fine of not less than five dollars, nor more than twenty-five dollars, with costs of suit, and shall be committed to the common jail of said county, until said fine and costs are paid or until he or they are discharged by law.

Unlawful to have in possession fish caught with net or seine.

SECTION 3. Any person or persons who shall have in his or their possession any fish caught in said river or any of its tributaries within said La Fayette county, with a seine, dip net or any other kind of net, or with any snare or trap for catching fish, and who shall expose the same for sale, shall, upon conviction thereof, be punished by fine of not less than ten dollars nor more than fifty dollars with costs of suit, and shall be committed to the common jail of said county until such fine and costs are paid, or until he or they be discharged by law.

Section 4 chapter 183, R. S., to apply.

SECTION 4. All the provisions of section 24 of chapter 183 of the revised statutes of this state shall apply and be in full force and effect in the construction and enforcement of this act.

Jurisdiction of justices.

SECTION 5. Justices of the peace shall have jurisdiction to hear, try and determine all cases and actions arising under this act.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

[*Published March* 14, 1877.]

## CHAPTER 188.

**AN ACT relating to the preservation of fish in Sugar river.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. It shall be unlawful for any person or persons to kill, destroy, catch or take in any way or manner, or pursue with intent to kill, destroy, catch or take in any way or manner, except with hooks and lines, any fish in the river known as the "Sugar river," between the first day of March and the first day of July in any year.

**Unlawful to take fish except with hook and line.**

SECTION 2. Any person or persons violating the provisions of this act, shall upon conviction thereof be subject to a fine of not more than twenty-five dollars nor less than five dollars, together with the costs of prosecution.

**Penalty for violation.**

SECTION 3. Justices of the peace of the county in which such offense shall appear to have been committed, shall have jurisdiction to hear, try and determine all cases arising under the provisions of this act; *provided*, that the defendant shall not be deprived of his right of trial by jury, nor of his right to appeal, as in other cases. Upon collection of any fine imposed by virtue of the provisions of this act, by such justice of the peace, he shall cause one-half of the amount of said fine to be paid to the complainant in the case, and shall cause the remainder of said fine to be paid into the hands of the treasurer of the town where such violation may have been committed, for the use of such town.

**Jurisdiction of justices.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

[*Published March* 17, 1877.]

## CHAPTER 189.

**AN ACT to legalize certain acts of the board of supervisors of Manitowoc county, Wisconsin.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Acts legalized.

SECTION 1. The acts and proceedings of the board of supervisors of Manitowoc county, Wisconsin, at special meetings held at the city of Manitowoc on the 26th and 27th days of January, 1877, are hereby legalized.

SECTION 2. This act shall be in force from and after its passage.

Approved March 7, 1877.

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[*Published March* 13, 1877.]

## CHAPTER 190.

**AN ACT to legalize the tax roll of the town of Kinnickinnic, in St. Croix county.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Acts legalized.

SECTION 1. That the tax rolls of the town of Kinnickinnic, St. Croix county, for the years 1869, 1870 and 1871, are hereby declared legal and valid for all purposes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

[*Published March* 21, 1877.]

## CHAPTER 191.

AN ACT relating to evidence.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Official certificates of births, marriages or deaths, issued in foreign countries in which such births, marriages or deaths have occurred, purporting to be founded on books of record, and authenticated by the signature of any United States minister, secretary of legation or other diplomatic officer, or by a consul of the United States, accredited to or appointed for the foreign country in which such certificates are issued, shall be received in the courts of this state as *prima facie* evidence of the facts in such certificates stated.

Proof of dates of births, marriages and deaths.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 22, 1877.]

## CHAPTER 192.

AN ACT to regulate the bringing of actions for penalties, and appeals therein.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. No summons, warrant or other process shall hereafter be issued by any justice of the peace or other officer, in any action to recover a penalty, forfeiture or fine, under the provisions of chapter 155 of the revised statutes, unless a complaint shall be made and filed by the district attorney, or the mayor or alderman of an incorporated city or village, or a member of the town board of supervisors residing in the county where such penalty is incurred, with such justice of the peace or other officer, prior to the issuing of such process, unless in cases where the right of making such complaint is expressly conferred by statute upon other persons; and no appeal shall be taken

Complaint to be filed by proper officer before summons shall be issued.

Appeals to be taken only on authority of district attorney.

on behalf of the state in such actions, either to the circuit or county court, or from such circuit or county court, to the supreme court from any judgment rendered against the state in such actions, except upon the authority of the district attorney, and upon the giving of such bond as is required of private parties upon similar appeals.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 14, 1877.]

## CHAPTER 193.

AN ACT to incorporate the city of Plymouth.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

City boundaries.

SECTION 1. That from and after the first Tuesday in April, 1877, all that district situate in the county of Sheboygan, state of Wisconsin, and described as follows: S. E. ¼ and the south 28 acres of S. E. N. E. ¼ section twenty-one (21), S. W. ¼, and the south 28 acres of S. W. ¼, N. W. ¼ and W. ½ S. E. ¼ section twenty-two (22), W. ½ N. E. ¼ and N. ½ of N. W. ¼ section twenty-seven (27), N. ½ of N. E. ¼ section twenty-eight (28), town fifteen (15) north, range twenty-one (21) east, shall be known and designated as the city of Plymouth, and by that name shall be capable of contracting, and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatever, with powers of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall be competent to exercise all the rights and privileges, and be subject to all the duties and obligations pertaining to a municipal corporation.

General corporate powers.

Ward boundaries.

SECTION 2. The said city shall be divided into two wards, the boundaries of which shall be as follows: All of that territory [within the boundaries of the city of Plymouth, lying north of a line commencing at the S. W. corner of S. E. ¼ section (21), running thence

east on section line to the point of intersection with Fond du Lac street, thence along the center of said street to the point of intersection, with the south line of lot (1), block (17), thence east on said line to the west line of lot (7) block (16), south on the west line of lot (7) block (16) to the south west corner of said lot, thence east on the south line of lots 7 and 15 block (16), lots 7 and 15 block (15), lots 7 and 15 block 14, lots 7 and 15 block 13, lot 7 block (12,) to the southeast corner of said lot, thence north, on the east line of said lot, to the northeast corner of same; thence east on the north line of lot 15, block 12, thence east on the north line of lots 7 and 15, block 11, thence east across Stafford street, thence east on the north line of lots 5, 6, 7, 8, block 10, thence across Division street to the dividing line of block 3, thence east on said line to North street, thence easterly across North street to northwest corner of lot 8, block 6, thence east across the mill pond to the northwest corner of Mrs. Weeks' homestead, thence east to the highway on the east side of said homestead, thence easterly across the highway to the northwest corner of G. W. Barnard's lot, then east to the east line of the corporation, shall constitute the first ward, and all territory within the boundaries of the city of Plymouth lying south of the above described line shall constitute the second ward.

**In whom corporate authority vested.**

SECTION 3. The corporate authority of said city shall be vested in one municipal officer, styled the mayor, in one board of aldermen consisting of two members from each ward, who with the mayor shall be denominated the common council, together with such other officers as are hereinafter mentioned or may be created under this act.

**Officers—Election and terms of.**

SECTION 4. The elective officers of said city shall be a mayor, a city clerk, a treasurer, one assessor, a marshal, one police justice for the city at large, two aldermen and one justice of the peace for each ward, which said officers shall hold their respective offices as follows: the mayor, assessor, treasurer, marshal, and city clerk for one year; the aldermen, police justice and justices of the peace for two years; the term of office shall commence on the first Monday after their election. Each of said officers shall continue in office for his respective term, and until his successor is elected and qualified, and shall have such powers and perform such duties as are prescribed by this or as may be prescribed by this act and acts amendatory thereto, or as may be prescribed by any ordinance of said city not

inconsistent with this act, or which may not be incompatible with their respective offices.

First election.

SECTION 5. On the third day of April, A. D. 1877, the qualified electors of said city shall elect one mayor, one treasurer, one assessor, one police justice, one marshal and one city clerk, and which said officers shall be qualified voters, residents in such city; and on the same day and at the same place of holding said election, the said qualified electors shall also elect two aldermen, one supervisor and one justice of the peace for each ward. The aforesaid officers shall be residents of the respective wards of which they are elected. At the first election of said city the election shall be held in the first ward at the engine house in said ward, in the second ward at Brooks' block. The voters present shall have power to proceed by nomination and viva voce election to elect three inspectors and two clerks, whose duties shall be (after being sworn by an officer competent to administer an oath by the law of this state) to see that said election shall be conducted in accordance with the laws of the state of Wisconsin, and any frauds or violation of said laws at said election shall be punishable the same as any violation of the election laws of this state, and at every subsequent first Tuesday in April thereafter, elections shall be held in the same wards in said city for the officers above designated; and said election shall be presided over by the aldermen in the respective wards, or in case of their absence or disability, the voters present at the hour of opening the polls shall elect by viva voce a sufficient number of inspectors to make three, with the alderman or aldermen present, who shall be sworn in accordance with the laws of the state; they shall appoint two clerks, who shall severally take and subscribe the oath of office, and shall see the names of the voters registered and the ballots safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the votes presented; shall count the ballots at the close of the polls, and shall certify and seal two returns; and the day following the election shall direct and return one of said returns to the clerk of the city council, and the other to the clerk of the county of Sheboygan. The mayor of the city and such members of the common council as shall hold over, shall constitute a board of canvassers, who shall within five days after the election, meet at the common council chamber and canvass such returns; and after the aforesaid returns have been canvassed by

When election to be held, and how conducted.

Annual elections.

said board, the mayor shall notify, by a certificate, the persons elected to the respective offices. The returns of the first election shall be made to the town clerk of the town of Plymouth, who, with the chairman of said town, shall certify to and notify the officers elected. The polls shall be kept open from nine o'clock A. M. until six o'clock P. M.

Vacancies.

SECTION 6. In the event of a vacancy in the office of mayor or alderman, by death, removal, or other disability, the common council shall order a new election, and shall give five days' notice thereof. Any vacancies in the other offices shall be filled by the common council; the person appointed or elected to fill a vacancy shall hold the office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as persons whose office he may be elected or appointed to fill.

Elections.

SECTION 7. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election; all elections by the common council shall be *viva voce*. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting lots, in presence of the common council, at such time and in such manner as they may direct. All persons entitled to vote for state or county officers, and who shall have been a resident for ten days preceding the election, within the ward where they offer to vote, shall be entitled to vote for an officer to be elected under the law, and having six months' residence within the said city, to hold an office hereby created.

Qualification of electors.

Special elections.

SECTION 8. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward, or inspector, as provided by this act, and returns thereof shall be made at the same time and in the same manner as of general or annual elections.

Election of aldermen.

SECTION 9. There shall be elected at the first election under this act, one alderman in each ward, who shall hold his office for two years, and one alderman who shall hold his office for one year, and at every annual election thereafter, one alderman in each ward who shall hold his office for two years; the alderman having the highest number of votes in each ward at the first election, shall be the alderman for two years.

When office deemed vacant.

SECTION 10. Any officer removing from the city, and any officer removing from the ward of which he was elected, and any officer who shall neglect or refuse to

qualify within twenty days after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

OFFICERS — THEIR POWERS AND DUTIES.

**Officers to take oath of office and give bonds.**

SECTION 11. Every person elected or appointed to an office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the city clerk, and the treasurer, marshal, police justice, and justice of the peace, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective of-offices, execute to the city of Plymouth a bond, in such sum and with such security, and such conditions as the common council may direct, and the common council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

**Duties of mayor.**

SECTION 12. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state and the ordinances of the city, within the corporation, are duly enforced and observed, and that all officers of said city discharge their respective duties. He shall appoint the police force in such numbers as the common council shall direct; and in case of a riot or disturbance of the peace, shall appoint a temporary police; he shall communicate to the common council in writing, once a year, such information as he may deem necessary, and at all times give such information as the common council may require.

**President. How chosen and duties of.**

SECTION 13. At the first meeting of the common council each year, or as soon thereafter as may be, they shall proceed to elect by ballot, one of their number as president, and in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the president shall execute all the powers and duties of mayor. In case the mayor and president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall perform the duties of mayor. The president, or temporary presiding officer, while presiding over the

council or performing the duties of mayor, shall be styled "acting mayor," and acts performed by him shall have the same force and validity as if performed by the mayor.

Duties of city clerk.

SECTION 14. The city clerk shall keep the corporate seal and all the papers and records of the city; he shall attend the meetings and keep a record of the proceedings of the common council. The record of the proceedings of the common council kept by him shall be evidence in all legal proceedings and copies of all papers filed in his office, and transcripts from the records certified by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced; he shall keep a full and accurate account of all orders drawn on the city treasury, in a book provided for that purpose, and shall also keep an accurate account with the treasurer, and charge him with all money paid into the treasury. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk *pro tem.* The city clerk shall have power and authority to administer oaths and affirmations.

Duties of city treasurer.

SECTION 15. The treasurer shall receive all moneys belonging to the city and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required and annually, at least ten days before the annual election, shall make a full and detailed account of all the receipts and expenditures after the date of the last annual reports, and also the state of the treasury, which statement shall be filed with the clerk.

Duties of city marshal.

SECTION 16. The marshal shall also be the collector of the taxes, and for this service, except as herein otherwise provided, he shall have the same powers and be subject to the same liabilities, be governed by the same laws, and receive the same compensation as treasurers of towns. He shall perform such duties as shall be prescribed by the council for the preservation of public peace and the collection of license money and fines, which moneys so received he shall immediately pay to the city treasurer. He shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and process to him directed, and when necessary in criminal cases or for the violation of any ordinance of said city or law of this state, may pursue and serve the same in any part of the state of Wiscon-

sin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend any person in the act of committing any offense against any ordinance of said city or any law of the state, and forthwith to bring such person before competent authorities for examination, and for such services he shall receive such fees as are allowed to constables for such services. He shall have power to appoint one or more deputies whose appointment shall be approved by the common council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of his duties.

**Printing and publication.**

SECTION 17. The common council shall annually provide that all printing authorized and required by them to be done for their use or for the use of the city shall be let by contract to the lowest bidder, for the term of one year, but no bid therefor shall be considered unless made by the publisher of a newspaper, printed and published in the city of Plymouth, unless the bids of such publishers shall be higher than the legal rates of advertising as fixed by law, and higher than the common council shall approve of, or unless such publisher or publishers shall fail to bid. All ordinances and other proceedings required by this act or by the by-laws or ordinances of the common council to be published, shall be published in the newspaper selected under the provisions of this section, and the printer of said newspaper shall either in person or by his foreman file with the clerk of the city his or their affidavit of the length of time said ordinance, by-law or proceeding had been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, proceeding or by law.

**Penalty for refusal to deliver books, papers, etc.**

SECTION 18. If any person having been an officer in said city shall not within ten days after notification and request deliver to his successor in office all property, money, books and papers, and all effects of every description in his possession belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal to deliver, and such successor may recover the possession of such books, papers, and effects in the manner prescribed by the law of this state.

**Officers of the peace.**

SECTION 19. The mayor, each and every alderman, justice of the peace, marshal and watchman shall be officers of the peace, and shall suppress in a summary manner all rioting and disorderly behavior within the

limits of the city, and for such purpose may command the assistance of all bystanders, and if need be, of all citizens, and military companies. If any person, bystander, military officer or private shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars, and in case where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

Powers and duties of police justice.

SECTION 20. The police justice shall have and possess all the authority, powers and rights of a justice of the peace in civil proceedings, and shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, and shall have exclusive jurisdiction in all cases in which the city shall be a party, and shall have the same power and authority in cases of contempt as in a court of record; *provided*, that nothing herein contained shall be deemed to divest the judges of the circuit or county courts of the authority as conservators of the public peace, nor to affect in any manner the powers of jurisdiction of the circuit or county courts of the county of Sheboygan. The police justice shall be entitled to receive for his services the same compensation in fee as is allowed by by law to justices of the peace for similar services, and no other, but the city shall not be liable to said police justice for his said fee, except such as shall accrue in prosecution for the violation of the charter or ordinance of the city wherein the offender shall have been discharged from imprisonment or custody by the authority of the common council.

Fees.

When police justice unable to serve.

In case of absence, sickness or other disability of the police justice, the mayor, by warrant, may authorize any justice of the peace within said city to perform the duties of police justice, and it shall be thereupon the duty of the mayor to inform the marshal of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment, and the justice so appointed shall for the time being possess all the authority, powers and rights of the police justice, appeals and writs of *certiorari* may be taken from the police justice in the same manner as from justices of the peace.

Police justice to report to council.

SECTION 21. The police justice shall quarterly report to the common council a list of all proceedings instituted before him in behalf of the city, and the disposition thereof, and shall at the same time account

and pay over to the treasurer the amount of all penalties and fines collected, which may by law accrue to the city. The city shall not be liable or pay any costs for violation of any law of this state.

City surveyor.

SECTION 22. The common council may elect a city surveyor, and by the by-laws of said city may prescribe his powers and duties.

How council constituted.

SECTION 23. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be "the common council of the city of Plymouth do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Meetings of council.

SECTION 24. The common council shall hold stated meetings, and the mayor may call special meetings by notice to each of the members, to be served personally or left at their usual place of abode. The common council shall determine the rule of its proceedings, and be the judge of the election and qualification of its members, and have power to compel the attendance of absent members.

General powers of council.

SECTION 25. The common council shall have the control and management of finances and all property belonging in the city, and shall likewise, in addition to the power herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, amend, modify and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they shall deem expedient; declaring and enforcing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such ordinances, rules and by-laws are hereby declared to be and have the force of law; *provided*, they are not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinances, resolutions or by-laws, to license and regulate the exhibition of common showmen, or shows of any kind, or the exhibitions of caravans, circuses, theatrical performances, billiard tables or bowling saloons; and to provide for the abatement and removal of all nuisances under the ordinances or at common law; and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate groceries, taverns, victualling houses, and all persons

To grant licenses.

vending or dealing in spirituous, vinous or fermented liquors, and to repeal the same for a violation thereof; *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of the state, and that no license shall be granted for a less time than one year: and *provided, further*, that no person thus licensed shall sell or give away spirituous, fermented or vinous liquors on election days, to restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gaming in said city: and to restrain any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by said common council; to prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill fame, and to authorize the destruction of all instruments used for the purpose of gaming; to compel the owners or occupants of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort or convenience of the inhabitants of said city; and the said common council shall have power at any regular meeting to enact or ordain, publish and provide for necessary and suitable by-laws, which said by-laws so provided for, enacted and ordained, shall be the law, rule and regulation, until the same shall be abrogated and repealed by the said board, in the following cases: to regulate the location of slaughter houses; to prevent the obstruction of streets; to prevent horse racing, fast riding or driving in the streets, and to regulate the places of bathing or swimming; to restrain horses and other domestic animals from running at large, and to provide rules for impounding and sale of the same; to prevent the running at large of dogs and geese; to establish public pounds, pumps, wells, cisterns and reservoirs; to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, draymen and cartmen; to erect lamps, and to provide for lighting streets, public grounds and public buildings; to authorize the building and protecting of sidewalks in the city; to restrain drunkards and immoderate drinking, or obscenity, in the streets or public places; to compel the owner or occupants of grounds or buildings where the same are occupied, to remove

To prohibit gambling.

To abate nuisances.

To impound animals.

all obstruction from the sidewalk; to regulate auctions; to appoint watchmen and prescribe their duties.

Council to examine accounts of officers.

SECTION 26. The common council shall examine, audit and adjust the accounts of the city clerk, street commissioner, treasurer and all other officers and agents of the city, at such times as they may deem proper, and also at the end of each year, and before their term of office expires.

Power of council to lay out and repair streets, alleys, etc.

SECTION 27. The city council within the city limits shall have full power and authority to lay out, alter or discontinue any highway, street, lane, alley or public walk therein, or to grade, pave or otherwise improve the same, as they may deem necessary or advisable; *provided*, that no street, lane or alley shall be laid out by said council through any outlot containing more than five acres, unless the consent of the owner or owners thereof be first obtained in writing.

When improvement to be made.

SECTION 28. No highway, street, lane, alley or public walk shall be laid out or altered unless a petition, signed by at least six freeholders, resident of the city, shall be presented to the common council asking therefor, describing the same with reasonable certainty, and if the same requires the taking of private property for public use, against the consent of the owners, not until the necessity thereof shall be first established by the verdict of a jury.

When private property required to be taken.

SECTION 29. On presenting such petition, if it shall appear that private property is required to be taken, against the consent of the owners, the city council shall cause a notice of such application to be published for two weeks in one or more newspapers of said city, stating that on a certain day therein to be named, a jury will be summoned by the city marshal to hear and decide upon such application, and the necessity of taking such property.

Summoning of jury to view premises.

SECTION 30. On or before the day named in said notices, the mayor of the city, or in his absence the acting mayor thereof, shall issue a venire, directed to said marshal of said city, requiring him to summon a jury of six disinterested freeholders thereof, who have no interest in the property to be taken, and are of no wise of kin to any person who has an interest therein, whose duty it shall be to view the property proposed to be taken, and to hear such proofs as may be offered by any person interested in the same. Such witness may be sworn by the city marshal.

Verdict of jury.

SECTION 31. If such jury shall agree, and if not new venires may be issued and new jurors summoned until

they do agree, they shall make out and deliver their verdict in writing, signed by them, to the city marshal, who shall deliver the same to the city clerk to be filed and delivered by him to the city council at their first meeting thereafter.

When council to cause improvement to be made.

SECTION 32. If the jury shall have returned a verdict that it is necessary to take private property for public use, as required by said petition, the city council may thereupon cause said highway, street, lane, alley or public walk to be laid out or altered, if they shall deem it for the interest of the city; and thereupon shall cause the same to be carefully surveyed and recorded, and an order to be entered among their proceedings confirming said verdict.

Commissioners to be appointed to appraise cost of work.

SECTION 33. The city council shall thereupon by an order entered in their proceedings, appoint three disinterested persons, freeholders of the city, commissioners, whose duty it shall be to view and examine the proposed highway, street, lane, alley, public walk or alteration thereof, and ascertain and appraise the just value of the property of the individuals necessary to be taken therefor. They shall also ascertain and appraise the necessary cost, expense and damage for laying out, opening or altering the same, and make report thereof under oath to the city council, within such time as may be limited by said order.

Further duties of commissioners.

SECTION 34. The commissioners shall also view, ascertain, assess, determine and report to the city council what property, lots and parcels of land are or will be benefited by the laying out, opening or altering of any such highway, street, lane, alley or public walk, and assess, designate, apportion and determine the costs and expenses and damages of laying out, taking, opening or altering the same, on the property, lots and parcels of land so benefited, and in just proportion, making out a list thereof as they shall assess and apportion the same.

Estimate of damages and benefits.

SECTION 35. The commissioners in all cases where property, lots or parts of lots shall be taken, shall assess the benefits thereof to the other parts of said property or lots, and make out a list thereof, and shall strike the balances between the damages and benefits and make out a list of the same, and report the same to the common council.

Notice of meeting of commissioners to be given.

SECTION 36. The commissioners shall immediately after their appointment, and before proceeding to discharge their duties as aforesaid, give notice, in one or more newspapers of the city, for at least one week, of

the time and place in which they will meet to hear any proof or allegation of any person interested therein, and at the time and place so mentioned they shall meet for that purpose, and may adjourn from time to time as they may regard reasonable, but not beyond the time limited in the order for making their report; and either of said commissioners shall have power to administer an oath to any witness offered.

Persons aggrieved may demand rehearing

SECTION 37. If any witness shall deem himself aggrieved by such assessment or apportionment, he may at any time within ten days after the filing of the same appeal therefrom by notice in writing to the city council, and ask for a review and rehearing thereof, and the city council shall thereupon appoint a day and place for such review and rehearing, at which day and place they shall proceed to hear and review the same, and shall hear such proofs and witnesses as may be offered to be sworn by the mayor or acting mayor, and may alter or modify said assessment or apportionment as they shall deem just and right.

Report of commissioners to be confirmed.

SECTION 38. If no appeal shall be taken, or if taken whether modified or not, the city council may, if they deem it just and for the interest of the city, enter an order in their proceedings that the same be confirmed.

Damages to be paid before work done.

SECTION 39. No such highway, street, lane, alley, public walk or alteration thereof, shall be laid out, opened or made, until an order shall be entered directed to the city treasurer to pay the owners of property, which has been taken against their consent, the amount or balance so assessed or awarded in their favor.

Sum assessed to be lien on property.

SECTION 40. All sums so assessed and confirmed shall be a lien upon property so assessed and apportioned, and for the payment of which such property, lots or parcels of land shall be liable, and the same shall be collected with, and as other taxes are collected in the city.

Laying out and altering of streets, etc.

SECTION 41. In all other cases, the city council may lay out, alter, or discontinue any highway, street, lane, alley, or public walk, whenever they may deem the same proper or advisable, by an order entered in their proceedings, specifying and describing the same; *provided*, the same is applied for, by petition as hereinbefore mentioned, and two weeks' notice of the same shall have been previously published, in one or more newspapers of the city.

What deemed public walks.

SECTION 42. The words "public walks" shall be construed to mean any public ground or square which

may be regarded necessary or desirable for the health or convenience of the city, and the words "alter or alteration," to mean any widening, extending or other change of any highway, street, lane, alley or public walk, which may be regarded useful, convenient or necessary to make.

Drainage of wet land.

SECTION 43. The city council shall have full power and authority within the limits of the city, to drain or cause to be drained, and to direct the manner of draining all marsh and wet lands therein, in such way and manner as they shall deem necessary and advisable.

Drainage to be made in manner prescribed for improvement of streets.

SECTION 44. No such authority shall be exercised, except upon the like application or petition as in laying out or altering highways, streets, lanes, alleys, or public walks, and if such application requires that private property shall be taken for public use, against the consent of the owners, not until the necessity thereof shall be first established as therein required; and whenever any ordinance for that purpose shall be passed, the same proceedings shall thereupon be had, with the same force and effect in all respects as in laying out or altering highways, streets, lanes, alleys or public walks.

Street commissioner—His powers and duties.

SECTION 45. The common council shall have power to appoint a street commissioner, and may by by laws define his powers and duties, and for that purpose may make and enact such by-laws as they may from time to time deem proper for the surveying and grading of streets, and for the payment of damages for the construction of sidewalks. Such by-laws shall not conflict with any provisions or ordinances, herein mentioned, or with the laws of the state of Wisconsin.

Funds to be under control of council.

SECTION 46. All funds in the city treasury, except school, state, and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor countersigned by the clerk duly authorized by a vote of the common council, and in no other manner; and all orders drawn upon the treasury shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city; and all such orders shall be received in payment of any debt or demand due to, or tax or assessment levied by authority of the city, except tax levied for school purposes.

Orders upon treasury to be authorized by council.

SECTION 47. No orders shall be drawn upon the treasury of the city, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered by ayes and

noes upon the journal of the council, and no money shall be appropriated for any purposes whatever, except such as is expressly authorized by this act.

Penalties to be paid into city treasury.

SECTION 48. All forfeitures and penalties accruing to the city, for a violation of this act, or of any of the ordinances, rules, by-laws and regulations of the city, and all moneys received for licenses shall be paid into the city treasury, and become a part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of the aldermen elect.

Property liable to assessment.

SECTION 49. All property, real and personal, within the city, except such as may be exempt by the law of this state, shall be subject to annual taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elected under this act shall have and possess the same powers that are or may be hereafter conferred upon township assessors, except so far as they may be altered by this act; *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessor, and make such rules and regulations in relation to revising, altering or perfecting such rolls, as they may from time to time deem advisable.

Council may prescribe assessment rolls.

Duties of assessor.

SECTION 50. On or before the first Monday in July of each year, the assessor shall make out an accurate and complete assessment roll, which shall contain, as near as may be, a description of all lands, lots or parcels of lands within the city, sufficient to identify the same, and also of all persons or bodies politic, liable to pay taxes on personal property, and opposite to each lot or parcel of land, shall be affixed the value thereof, and opposite to the name of each person and body politic, shall be affixed the value of personal property, assessed to each; when there are buildings on any lot or tract of land, the value of the same shall be set forth separately, when so desired by the owner thereof. The assessor may assess any lot or tract of land, to the owner or occupant, in such parcels or subdivisions as the owner may deem proper, but it shall be necessary to enter the name of the owner opposite to any tract or parcel of land. The assessment roll shall be certified to by the assessor; the assessment roll shall be made out by wards and show the taxable property, both real and personal, of each ward separately.

SECTION 51. On the first and second Mondays of July, and at such other time and times as he may appoint, the assessor shall appear at the common council chamber for the pupose of hearing any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessor shall make such alterations or revisions as justice or equity may require.

Objections may be made by parties aggrieved.

SECTION 52. On or before the third Monday of July in each year, the assessor shall return the assessment roll of the city to the common council, by depositing the same with the clerk. The common council may supply omissions in said roll, and for the purpose of equalizing the same may alter, add to, take from, and otherwise revise and correct the same, but shall not have power to increase the amount of said assessment except by the value of such real and personal property as may have been omitted by the assessor.

Revision and correction of assessment roll

SECTION 53. When the assessment roll shall have been revised and corrected by the common council, the same shall be filed with the clerk and an order approving the same shall be entered in the proceedings of the common council. On the first Monday of August of each year, or within ten days thereafter, the common council shall determine the amount of taxes to be levied for general city purposes, and also the amount of money necessary to be levied for school purposes, and shall, by resolution, levy the same; but no such resolution shall be adopted, except by a vote of two-thirds of the members elect, which vote shall appear in the proceedings of the common council.

Council to apportion taxes.

SECTION 54. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and may be collected of the owners or occupants and upon all personal property of any person or body politic assessed for personal taxes, from the date of the warrant for the collection thereof until such taxes shall be paid; and no sale or transfer of such real or personal property shall affect such lien. Any personal property belonging to a person taxed may be taken and sold for the payment of taxes upon real or personal property.

Taxes to be lien against property.

SECTION 55. Before the annual meeting of the board of supervisors of the county of Shebogan, and by the time required by the laws of the state for the return of the assessment from the several towns, the city clerk shall transmit a copy of the assessment roll or such

City clerk to transmit copy of roll to county clerk.

statement as is required by law to be made by towns to the clerk of the board of supervisors of said county, who shall lay the same before the said board at their annual meeting.

Status of city in equalizing assessment roll.

SECTION 56. The board of supervisors shall have the right to regard the city of Plymouth as a town in equalizing the assessment rolls of the several towns in said county as provided by law, but in such equalization shall consider the assessment roll of the city of Plymouth as an entire roll, and shall not change the relative valuation of the different wards.

Taxes levied by county board to be certified to city clerk.

SECTION 57. The said board of suyervisors may levy a tax or taxes as now is, or may hereafter be, provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns or town clerks, and in all transactions of the board of supervisors of said county, said city of Plymouth shall be regarded as a town, except as herein otherwise provided.

Clerk to make statement of taxes.

SECTION 58. Upon receiving the statement of the amount of taxes so levied the city clerk shall make out upon the assessment roll in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for the state, county, city or other purposes, and all delinquent taxes, if any, of the previous year, and all special taxes levied by the common council.

Tax list to be evidence.

SECTION 59. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in this state that any act or thing required by law to be done relating to the assessment or levying of taxes, from the election of officers to the completion of the tax list inclusive, has been done regularly, correctly, and as required by law.

Duplicate copy of roll to be made and delivered to city marshal.

SECTION 60. Immediately after making out the tax list, as aforesaid, the clerk shall make out a duplicate copy thereof to which shall be appended a warrant signed by the mayor and clerk and sealed by the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the 25th day of December of said year, or as soon thereafter as practicable, deliver the same to the city marshal for collection and make a record of said delivery of the tax list aforesaid in his office.

SECTION 61. The city marshal upon receipt of said duplicate copy of the tax list shall proceed to collect the same in like manner, and shall have like powers and be subject to like requirements, liabilities, and restrictions as town treasurers, except as otherwise provided in this act. The city marshal shall receive one per cent. fees upon all taxes paid to him before the first day of January, and three per cent. fees upon all taxes collected after that time to be added to the amount of taxes and collected with the same.

Duty of city marshal in collecting taxes.

SECTION 62. On or before the 15th day of February of each year the said marshal shall make out and return to the treasurer of Sheboygan county a list of all lands and lots upon which the taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers, and shall also at the same time pay over to the city treasurer all other moneys in his possession belonging to the city of Plymouth. The said marshal shall also by the same time make out and deliver to the city clerk a list of all delinquent personal property tax for the same year. The county treasurer shall add the same interest, penalties or fees to such delinquent returns as are allowed or required by law upon delinquent returns for the several towns.

Return of delinquent lands.

SECTION 63. The county treasurer shall sell all delinquent lands and lots returned from the city of Plymouth, at the same time and in the same manner as other delinquent lands are sold in said county.

Delinquent lands to be sold.

SECTION 64. All real estate exempt from taxation by the laws of this state, shall be subject to all special taxes for the building of sidewalks and improvement of streets in front of same.

All property subject to special tax.

SECTION 65. All lands lying within the city limits, used or kept for farming, and not divided or laid out into lots and blocks, shall be assessed at a moderate cash value by the acre, and shall not be subject to any special tax, nor shall the same be subject to be taxed in any manner for city purposes, at a higher or greater rate than three mills on the dollar, according to the assessed valuation thereof during any one year.

Assessment of farming lands with'n city limits.

SECTION 66. All the directions hereby given for the assessing of lands, and the levying, collection and return of taxes and assessments, shall be deemed only directing, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall

Informalities not to affect validity of tax.

vitiate, or in anywise affect the validity of the tax or assessment.

Duty of county treasurer.

SECTION 67. It shall be the duty of the county treasurer of the county of Sheboygan, and he is hereby required, where lots, tracts, pieces or parcels of land have been returned by said city treasurer as delinquent for any general tax of this state, or for any tax authorized under this act, immediately after the sale of said delinquent lots, tracts, pieces or parcels of land by him, to pay said city treasurer the amount which may have been returned delinquent, belonging to the city, either in cash or certificates of sale of said lots, tracts, pieces or parcels of land so returned as delinquent.

Precautions against fire.

SECTION 68. The common council, for the purpose of guarding against the calamity of fire, shall have power to enact all suitable by-laws for the organization, maintenance and government of fire companies in said city, and may in their by-laws enact such regulations as the majority of said board may deem expedient for the safety of the property of the citizens of said city from accident or losses by fire.

Work to be let by contract to lowest bidder.

SECTION 69. All work for the city or either ward thereof shall be let by contract to the lowest responsible bidder, at the option of the common council, and due notice shall be given of the time and place of letting such contract. Every person to whom a contract shall be awarded shall execute to the city a bond for the faithful performance of such contract, said bond to be approved by the common council, and filed with the city clerk.

Actions to be brought in corporate name of city.

SECTION 70. All actions brought to recover any property or forfeiture under this act or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of this act, or by-law or ordinance, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecutions may be commenced by summons or by a warrant, as the exigencies of the case may seem to require; *provided*, that nothing herein contained shall be so construed as to prevent any peace officer from arresting without process any person found in a state of intoxication, or guilty of immoderate drinking, improper reveling, obscenity or noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith before the police justice, or keeping them in con-

finement until such time as said justice can hear and dispose of such offenders.

SECTION 71. Execution shall issue forthwith on the rendition of judgment, unless the same be stayed or appealed according to the laws of this state. The executive, except in cases *ex contractu*, shall require the defendants in any such action, in case no goods or chattels, lands or tenements, whereof the judgment can be found, to be imprisoned in the jail of Sheboygan county for a term not exceeding three months, in the discretion of the justice or judge rendering judgment, unless the same be sooner paid or discharged by the common council. **Executions.**

SECTION 72. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest. **Residence not to disqualify as witness or juror.**

SECTION 73. If any election by the people or common council shall not for any cause be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on any subsequent day, by order of the mayor, and if any of the duties enjoined by this act, or the ordinances or by-laws of the city to be done by any officer at any time specified, and the same are not done and performed, the common council may appoint another time at which said acts may be done or performed. **When election not held at prescribed time.**

SECTION 74. Whenever any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such other proceedings as the ordinances or resolutions of said council may provide. **Service of process.**

SECTION 75. The said city may lease, purchase or hold real or personal property for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation. **City may hold property.**

SECTION 76. All taxes apportioned, levied or assessed in or against the town of Plymouth previous to the organization of the city of Plymouth, shall in all respects be collected in the same manner as though this act had not passed, and to carry out these provisions the officers of said town and of the county of Sheboy- **Act not to affect collection of taxes.**

gan shall have the same rights, powers and duties, as though this act were not passed.

City officers not to be interested in contract with city.

SECTION 77. No compensation or salary shall be paid out of the city treasury to the mayor or any alderman of the city for his services, and are hereby prohibited from being in any manner interested in any contract made by the authority of said city.

How licenses to be issued.

SECTION 78. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk, and sealed with the corporate seal, but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the same shall have been authorized by the common council and the applicant shall have filed his receipt as aforesaid, together with a bond, as required by the laws of this state, which bond shall be approved either by the mayor or common council, and the minimum sum fixed by the law of this state to be paid for any such license, shall be paid to the city treasurer in money. Every such license shall contain a clause prohibiting the selling, vending, or giving away of any spirituous or malt liquors on general or special election days.

Penalty for sale of liquor on election day.

SECTION 79. Every person having such license, who shall vend, sell or give away any spirituous, vinous or malt liquors, on any election day, shall be liable to prosecution under this act, or the ordinances of the city, or may be indicted or informed against, in the circuit court of Sheboygan county, and upon conviction thereof any such offender shall forfeit and pay a sum not exceeding two hundred dollars nor less than fifty dollars, or be imprisoned in the jail of Sheboygan county not more than thirty days nor less than ten days, at the discretion of the court, and the license held by such person shall be forfeited and void.

Suits for recovery of lands sold for taxes.

SECTION 80. No suit or proceeding shall be commenced or prosecuted to recover title or possession of any lot, piece or parcel of land situated within the limits of the city of Plymouth, held or claimed by virtue of any deed purporting upon its face to be executed on account of any sale for taxes or assessment levied after the passage of this act, until the person commencing such proceeding shall have deposited with the court in which such proceeding is, or shall be commenced for the use of the holder or claimant under

such deed, an amount of money equal to the mount of taxes, costs and charges paid in procuring such deed, and all subsequent taxes, costs and charges upon the lot or land described in such deeds, and paid by such holder or claimant, together with twenty-five per cent. interest thereon, from the time of such payment to the commencement of such suit or proceeding, and in the event that such deed shall be defeated or impeached on the trial of such cause the moneys so deposited shall be awarded to the holder or claimant under such deed except in such cases where the taxes were paid before sale, or the lands redeemed according to law. In the trial of every such cause on the part of the defendant, such deed shall be first read in evidence to the jury, and shall be evidence to the jury, and shall be evidence in such suit or proceeding to the extent specified, and provided in section 109, chapter 15, title 5, of the revised statutes.

City to use county jail.

SECTION 81. The use of the jail of Sheboygan county, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery the said sheriff shall be responsible as in other cases.

Private property not liable for city debt.

SECTION 82. No real or personal property of any inhabitant of said city, or any individual or corporation shall be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city. The same provisions of statute that apply to towns in regard to paupers shall apply to said city.

Representation in county board.

SECTION 83. The city of Plymouth shall be represented in the board of supervisors of the county of Sheboygan by the mayor.

Justices to hold for residue of term.

SECTION 84. Any justice of the peace of the town of Plymouth, whose term of office shall not have expired at the time this act shall take effect, may hold and exercise the duties of his office for the residue of his term of office, in the same manner as though this act had not passed.

When connection between town of Plymouth and city to cease.

SECTION 85. From and after the second day of April, A. D. 1877, the connection between the town of Plymouth and that part of said town included within the city limits, for all town purposes, shall be dissolved. The duties now and hereafter imposed on supervisors and other town officers, so far as they relate to the city of Plymouth, shall be performed by the aldermen of the several wards and the other officers of said city.

All that part of the town of Plymouth not included within the city limits, shall constitute the town of Plymouth; and the first town meeting shall be held at such place as the chairman of the board of supervisors of said town shall appoint.

Grades of streets.

SECTION 86. All grades for streets when once established and ratified by the common council, shall be recorded by the city clerk, and no change shall thereafter be made in the grade of any street after such adoption and ratification by the common council.

How charter may be amended.

SECTION 87. This charter shall not be altered or amended unless such proposed alteration or amendment be first submitted to a vote of the qualified electors of said city at a general or special election, and shall receive a majority of all votes cast at such election in favor of such proposed amendment, and if such proposed amendment requires the raising or expenditure of moneys or effects in any manner whatever the assessment of taxes, such amendment shall not be adopted unless two-thirds of all the votes cast at such election shall be in favor thereof.

Definition of act.

SECTION 88. This act shall be considered a public one, and shall be construed favorably in all courts and places.

SECTION 89. This act shall take effect and be in force from and after its passage.

Approved March 7, 1877.

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[*Published March* 21, 1877.]

## CHAPTER 194.

AN ACT relating to distraining of cattle doing damage, and amendatory of section one of chapter fifty-one of the revised statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one of chapter fifty-one of the revised statutes is hereby amended by omitting the words "within his enclosure," and inserting in lieu thereof the words "on his premises" so as to read as follows: Section 1. It shall be lawful for the owner or occupant of lands to distrain all beasts doing damages on his premises, and when any distress shall be made of any beasts doing damage, the person distraining shall

Lawful to distrain cattle doing damage.

keep such beasts in some secure place other than the public pound, until his damages shall be appraised, and within twenty-four hours after such distress, unless the same shall be made on Saturday, in which case, before the Tuesday morning thereafter, he shall apply to a justice of the peace, who shall appoint three disinterested freeholders of such town to appraise the damages.

How damages to be determined.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 14, 1877.]

## CHAPTER 195.

AN ACT to amend chapter one hundred and sixty-four of the laws of 1873, entitled "An act to incorporate the city of Fort Howard," approved March 14, 1873.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. That section 24 of chapter 8 of said act, is hereby amended so as to read: "The city treasurer of said city shall be entitled to receive and collect as fees for the collection of taxes, two per cent. upon all taxes collected by or paid to him after the first Monday of January, and before the first Monday of February, in each year, and one per cent. per month additional for every month that taxes shall remain unpaid, after said first Monday in February of each year, up to the time of the sale of lands or personal property for taxes. And in case of the distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sale of goods upon execution; for each certificate by him issued, on sale of lands for payment of taxes and assessments, ten cents (to be added to the amount of such tax or assessment, and included in such certificate) for each lot redeemed, for which he shall issue a certificate, twenty-five cents; and five cents for each additional lot or tract embraced in such deed, to be paid by the person receiving the same. The city treasurer shall collect the fees hereinbefore prescribed, and shall keep in a book to be provided for that purpose, a true account and statement of all fees received by him as city treasurer from any source what-

Amended.

Fees of city treasurer.

Treasurer to keep record of fees.

ever, and when the amount thereof shall reach the sum of five hundred dollars, which sum is hereby intended to be the compensation of said treasurer, all sums over and above that amount shall be paid by him into the general fund of the city. And such book shall be open at all reasonable times to the inspection of any person; and he shall, when required, make report to the common council on his oath, of all fees or other moneys received as city treasurer, and he shall receive no other or further compensation for his services as treasurer than is hereinbefore provided, except that the common council shall, at the expense of the city, provide him all necessary books, blanks and stationery necessary to the discharge of his duties; *provided*, that the common council may, at their last regular meeting in March in any year, fix by resolution the salary of the treasurer to be elected at the next ensuing election, but in no case to exceed eight hundred dollars.

**Depositing of city funds.**

SECTION 2. The common council may, by resolution, at their first annual meeting, or at any time thereafter, select some bank, banks or banking association in or without the limits of said city, where all the moneys in the treasury of said city, or which shall thereafter be collected or received by the treasurer shall be deposited; *provided, however*, that the depository or depositories so selected, shall, before receiving such funds, give security to an amount fixed by the said council, and in the same manner as is now required of the treasurer of said city, conditional upon the safe keeping and proper distribution of such funds, which security shall be approved by the common council.

**Duty of city treasurer to deposit funds.**

SECTION 3. The city treasurer shall daily deposit with the bank, banks or banking association so selected, all moneys collected or received by him during the day, it or they giving proper vouchers therefor. From the time of so depositing such moneys the said treasurer shall be relieved from all liability to the city arising from the failure of said bank, banks or banking associations safely to keep said funds and to account for the same. Such funds shall be drawn out only by the check of said treasurer, countersigned by the city clerk.

**Council to make contract with bank.**

SECTION 4. The common council may, before or after so selecting a depository or depositories, contract with such bank, banks or banking associations, that it or they shall pay to the city such interest upon said funds as they may mutually agree upon. The council may, at any time, direct all sums so deposited to be paid in-

to the city treasury or to such other bank, banks or banking association as they may select under the law, and they may at any time require such depository or depositories to give new or additional securities for such funds.

SECTION 5. Section one of chapter eleven of said act is hereby amended so as to read as follows: "The mayor and common council shall, at their first meeting in April, in the year A. D., 1878, elect as school commissioners one each from the First, Third and Fifth wards for the term of one year, and one each from the Second, Fourth and Sixth wards for the term of two years, and from the city at large for the term of two years, and at their first meeting in April of each year thereafter, they shall elect three, whose term of office shall be two years, and once in two years they shall elect one from the city at large to hold for two years; *provided, however*, that the seven members of the present board, who were elected for the term of two years, shall constitute the board until the expiration of the term for which they were elected. The members of the school board, when elected, shall choose their own presiding officer, and no member of the city council shall be eligible as a member of the school board.

**Amended.**

**Election of school commissioners.**

SECTION 6. That section six, of said chapter eleven, is hereby amended to read as follows: The city superintendent of schools shall receive an annual salary, which shall be fixed each year by the board of education, before the election of superintendent for said year.

**Salary of superintendent of schools.**

SECTION 7. Subdivision six, of section eleven, of said chapter, is hereby amended to read as follows: He shall, between the first and tenth days of September in each year, make a statement of the number of children, male and female designated separately, over the age of four and under the age of twenty years, residing in said city on the last day of August previous to the date of such report; and shall, on or before the tenth day of October in each year, make and transmit to the state superintendent of public instruction a report containing all the facts set forth in section forty-three of the general school laws of the state, a copy of which report he shall present to the board of education at their first meeting.

**Superintendent to make report.**

SECTION 8. Section nine, of chapter three, of said act, is hereby amended to read as follows: The common council at their first meeting in each year, or as soon thereafter as may be, shall designate one or

**Publication of ordinances, etc.**

more newspapers printed or published in the county of Brown, in which shall be published all ordinances, and other proceedings and matters required by this act, or by the by-laws, or ordinances of the common council, to be published in a public newspaper which printing and publishing shall be let by contract to the lowest bidder or bidders.

Repealed.

SECTION 9. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after the first day of July, 1877.

Approved March 7, 1877.

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[*Published March* 21, 1877.]

## CHAPTER 196.

AN ACT relating to the supreme court, and amendatory of chapter 284 of the laws of 1876.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

When allowance may be made by associate justice.

SECTION 1. Section 1 of chapter 284, laws of 1876, entitled "An act relating to the supreme court," is hereby amended by adding thereto the following: *Provided*, that in case of the sickness or absence of the chief justice, such allowance may be made by either of the associate justices.

SECTION 2. This act shall be in force from and after its passage.

Approved March 7, 1877.

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[*Published March* 21, 1877.]

## CHAPTER 197.

AN ACT in relation to the settlement of estates when the county judge is incapacitated. To amend section 16, of chapter 117, of the revised statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section sixteen (16) of chapter one hundred and seventeen (117) of the revised statutes, is

hereby amended by adding at the end of said section the following: "But said circuit judge shall, at any time, on due proof that such incapacity no longer exists, make an order transmitting said case and all papers therein to the county judge of the proper county, and said county judge shall thereafter have full jurisdiction of, and perform all the duties relating to said case," so that said section, when amended, shall read as follows: "Section 16. When a judge of the county court, his wife or child, shall be an heir or legatee, or when such judge shall be an executor or administrator of a deceased person, he shall be deemed incapacitated for executing the duties of his office in relation to that estate, and the judge of the circuit court for the same county shall perform such duties. But said circuit judge shall, at any time, on due proof that such incapacity no longer exists, make an order transmitting said case, and all papers therein, to the county judge of the proper county, and said county judge shall thereafter have full jurisdiction of, and perform all the duties relating to said case.

When county judge interested in estate, judge of circuit court to act.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 22, 1877.]

## CHAPTER 198.

AN ACT relating to attorneys' fees in justices courts, and amendatory of section 1, of chapter 96, of the laws of 1876.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. In all actions in courts held by justices of the peace, the plaintiff, if he shall obtain judgment, shall be entitled to recover attorney fees as follows: On all judgments less than fifty dollars, an amount equal to ten per cent. of such judgment; on all judgments over fifty dollars and under one hundred dollars, five dollars as attorney fees; and on all judgments over one hundred dollars, ten dollars as attorney fees. And in case the judgment shall be for the defendant, the defendant shall be entitled to recover attorneys' fees as follows: In all cases where the plaintiff shall claim in his complaint, fifty dollars or less, an assessment

Rate of attorney's fees in justice court.

equal to ten per cent. of such claim; in all cases where the plaintiff shall claim in his complaint a sum over fifty dollars and under one hundred dollars, the sum of five dollars, and in all cases when the plaintiff shall claim in his complaint one hundred dollars and over, the sum of ten dollars. The provisions of this act shall apply to proceedings for the recovery of possession of personal property, and the value of the property found and claimed shall be the basis for the taxation of attorneys' fees under this act; *provided, however*, that no attorney fees shall be allowed the plaintiff in any such action, unless he shall appear therein by attorney, and the defendant have appeared therein and answered or demurred to the complaint, and no attorney fees shall be allowed the defendant in any such action, unless he shall have appeared therein by an attorney.

To what proceedings act to apply.

Repealed.

SECTION 2. Chapter 96, of the laws of 1876, and all other acts or parts of acts in conflict with this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 17, 1877.]

## CHAPTER 199.

AN ACT to repeal chapter 27 of the general laws of 1875, entitled "An act to amend chapter 423, private and local laws of 1871, entitled 'An act to authorize the county clerk of Door county to make and keep an abstract of tax sales, deeds and redemptions in said county,'" and to revive said chapter 423.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Chapter 27, of the general laws of 1875, is hereby repealed. Chapter 423 of the private and local laws of 1871, is hereby revived.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 7, 1877.

[*Published March* 21, 1877.]

## CHAPTER 200.

AN ACT relating to the preservation of game and amendatory of section 1 of chapter 121 of the laws of 1874.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one (1) of chapter one hundred and twenty-one (121) of the laws of 1874 is hereby amended by striking out the words "tenth day of," where they occur in the sixth line of said section, and by inserting in lieu thereof the words, "twenty-fifth day of," so that said section when amended shall read as follows: "No person shall catch, kill or otherwise destroy or have in his possession or expose for sale any grouse, prairie hen, prairie chicken or partridge in the counties of Eau Claire, Chippewa, Dunn, Pepin, Buffalo or Trempealeau, between the fifteenth day of November, and the succeeding twenty-fifth day of August in each year, under a penalty of ten dollars for each such grouse, prairie hen, prairie chicken or partridge caught, killed or otherwise destroyed or had in possession or exposed for sale.

Amended.

When unlawful to kill game.

SECTION 2. This act shall take effect and be in full force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 21, 1877.]

## CHAPTER 201.

AN ACT regulating the appointment of fire wardens in certain cases, and amendatory of section 1, of chapter 27, of the general laws of 1874.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter twenty-seven of the laws of 1874, is hereby amended, so as to read as follows: Section 1. The board of supervisors of any town containing unincorporated villages, are hereby authorized to appoint, upon the petition of ten residents and free holders of any unincorporated village, in

Amended.

Appointment of fire wardens.

any town, a suitable person or persons, to perform the duty of fire warden in such village or villages.

SECTION 2. This act shall take effect and be in full force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 21, 1877.]

## CHAPTER 202.

AN ACT relating to costs and fees, and amendatory of sections 1 and 4, chapter 133, Revised Statutes, and the several acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one of chapter 18, of the general laws of 1867, is hereby amended so as to read as follows: "The second subdivision of section one of chapter forty-nine, of the general laws of 1866, entitled "An act to amend sections one and four, of chapter one hundred and thirty-three of the revised statutes, entitled 'Of costs and fees,' is hereby amended so as to read as follows: "Such sheriff shall be obliged to serve all process in any one action or proceeding, which may be in their hands for service, and which can be served in the same journey, at the same time, and for such service they shall be entitled to receive for each mile actually and necessarily traveled, going and returning, to serve any such process, ten cents per mile; *provided*, that whenever such officer serves more than one process in the same action or proceeding on the same journey, he shall be entitled to mileage for the greatest distance traveled by him in serving any process upon any one person named therein, which he may have in the same action or proceeding at the time. Mileage for serving other persons in the same action or proceeding, which may be named in any process in his hands, and which could have been served by him on the same journey, shall not be allowed."

How service of process by sheriff to be made.

Amended.

SECTION 2. Section one of chapter 60 of the general laws of 1869, is hereby amended so as to read as follows: "Section one. Constables shall be obliged to serve all process in any one action or proceeding which may be in their hands for service, and which can be served on the same journey, at the same time, and for

How service of process by constables to be made.

such service they shall be entitled to receive for each mile actually and necessarily traveled, going and returning to serve any such process, ten cents per mile; *provided*, that whenever such officer serves more than one process in the same action or proceeding on the same journey, he shall be entitled to mileage for the greatest distance traveled by him in serving any process upon any one person named therein, which he may have in the same action or proceeding at the time. Mileage for serving other persons in the same action or proceeding, which may be named in any process in [his] hands, and which could have been served by him in the same journey, shall not be allowed."

**Returns of services to be made by constables.**

SECTION 3. Said constable shall make returns of the manner in which the services were made, the number of miles actually traveled, and the number of persons served in any one action or proceeding on the same journey.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 203.

**AN ACT to amend section one of chapter 195 of the laws of 1874, entitled "An act to amend sections one and three of chapter 275 of the private and local laws of 1869, entitled 'An act for the preservation of fish in Big Green and Little Green lakes'"**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Amended.**

SECTION 1. That so much of section one of chapter 195, of the laws of Wisconsin for the year 1874, relating to the time for taking fish by means of hook and line be and is hereby amended so as to read "May, June, July, August, September, October, November, December, and until January 15th."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

[*Published March* 21, 1877.]

## CHAPTER 204.

AN ACT relating to actions and proceedings by non-resident guardians, and amendatory of section 1, chapter 73, general laws of 1871.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 1 of chapter 73 of the general laws of 1871, is hereby amended so as to read as follows: When a guardian shall be appointed in any other state of the United States of the estate or person of any minor, insane person, lunatic, idiot, spendthrift or habitual drunkard, not a resident of this state, and no such guardian of such person shall be appointed in this state, such foreign guardian shall, upon filing an authenticated copy of such appointment in the probate court of any county in this state, be authorized to bring and prosecute in the proper courts of this state, any and all civil actions and proceedings, necessary or proper to the discharge of his duties under such appointment, to all intents and purposes the same as if such appointment had been made under the laws of this state, and such guardian shall have and possess the same rights and powers, relating to the property, real and personal, of his ward in this state, and the discharge of his duties therein, as do like guardians appointed under the laws of this state; *provided, however,* that such guardian may be required to give security for costs.

Rights and powers of non-resident guardian upon filing appointment.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 22, 1877.]

## CHAPTER 205.

AN ACT relating to the right of way of railroads, and amendatory of section 16 of chapter 119 of the general laws of 1872.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 16 of chapter 119 of the general laws of 1872, is hereby amended so as to read as fol-

lows: Section 16. The commissioners shall take and subscribe the oath subscribed by the twenty-eighth section of the fourth article of the constitution, before entering on the discharge of their duties. A majority of them may adjourn the proceedings before them in respect to any particular tract or tracts from time to time, in their discretion; *provided*, that no more than two adjournments shall be granted in any one case, nor shall such adjournments be for a greater length of time in all, than sixty days; whenever thereunto requested in writing by or on behalf of the railroad company or any person or persons interested in any tract or tracts described in such petition, but not otherwise, it shall be their duty to proceed in the manner hereinafter provided to view the premises specified in such written request and none others, and to appraise, ascertain and determine the value or values and fix the compensation or compensations hereby contemplated; and they shall thereupon cause notice to be given to each party interested of the time when and place where they will meet to consider the amount of compensation to which he is entitled, which notice shall be personally served on such party or his authorized agent or attorney, or by leaving the same at his residence or place of business, with a person of suitable age and discretion, at least six days before the time of such meeting; and the like notice shall be by them given to the railroad company whenever the commissioners shall so proceed at the request of any other person or party. If such party is a non-resident of this state, or his residence is unknown, and he has no authorized agent or attorney in this state known to said commissioners, such notice shall be published in a newspaper as aforesaid, for such length of time as the court or judge appointing said commissioners shall direct. The commissioners shall file proof of such notices, or of the appearance of such parties before them, either personally or by attorney, with their report; but it shall not be necessary to serve or publish notice of any subsequent meeting held pursuant to adjournment. The commissioners shall view such of the premises described in the petition as are described in such written request, and hear the allegations of the parties, and shall appraise, ascertain and determine the value of any tract or parcel of land proposed to be taken, with the improvements thereon, and of each separate estate therein, and the damages sustained by the owner by reason of the taking thereof, and fix the

**Oath to be taken by commissioners.**

**Duty of commissioners to view premises.**

**How notice of meeting to be given.**

**Commissioners to view premises, hear allegations of parties, and determine value of land.**

amount of compensation to be made to each of such owners therefor; and in fixing the amount of such compensation, said commissioners shall not make any allowance or deduction from the value of the real estate taken on account of any real or supposed benefits which the parties in interest may derive from the construction of the proposed railroad or the construction of the proposed improvements connected with such road for which such real estate may be taken; but spesial benefits to the real estate adjoining the lands so taken shall be allowed in deduction of any damage sustained by the owner to such adjoining real estate. A majority of the commissiners, all being present, shall be competent to determine all matters before them. The commissioners shall within twenty days after viewing any of the lands so taken, make and file in the office of the clerk of the circuit court of such county, a report of their proceedings concerning such lands, setting forth the award made for each tract or parcel thereof or separate estate therein to the owner or owners thereof. The commissioners shall be entitled to such compensation as the court may direct, which shall be paid by the railroad company. This act shall apply to the proceedings of commissioners heretofore appointed, but who have not yet proceeded to view lands proposed to be taken.

Commissioners to make and file report.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 21, 1877.]

## CHAPTER 206.

AN ACT to amend section 5 of chapter 14 of the Revised Statutes, entitled "Of resignations, vacancies and removals, and of supplying vacancies."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 5 of chapter 14 of the revised statutes is hereby amended so as to read as follows: Section 5. The judge of the circuit court of any circuit in this state, shall have authority in term time or in vacation, to remove any clerk of the circuit court in any county within his circuit, when in the opinion of

Authority of circuit judge to remove clerks of court for incompetency or official misconduct.

such judge he is incompetent to execute properly the duties of his office, or when on charges and evidence such judge shall be satisfied that he has been guilty of official misconduct, or habitual and willful neglect of duty, if in the opinion of such judge such misconduct or neglect shall be sufficient cause for removal; and the judge of any circuit court in this state shall also have the power and authority to remove any town officer of any town within his circuit, whenever in the opinion of such judge, upon proper proof that such town officer shall have been guilty of willful and corrupt official misconduct, and willful neglect of duty; *provided*, that no officer mentioned in this section shall be so removed unless charges thereof shall have been preferred by a tax payer and elector of this state to such judge, and notice of the hearing and a copy of the charges delivered to the officer so charged, and a full opportunity given him to be heard in his defense.

Authority of same to remove town officers.

SECTION 2. In case of removal of any officer as provided in section one of this act, it shall be the duty of the judge to fill the vacancy so occasioned by such removal, by the appointment of some competent person to discharge the duties of such office, who shall hold the office until his successor is elected and qualified according to law.

How vacancies to be filled.

SECTION 3. This act shall take effect and be in force from and after the passage and publication thereof.

Approved March 7, 1877.

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[*Published March* 9, 1877.]

## CHAPTER 207.

**AN ACT to appropriate to the State Hospital for the Insane a sum of money therein named, for the payment of current expenses, for permanent improvements, and for miscellaneous purposes.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to the State Hospital for the Insane, out of any money in the general fund not otherwise appropriated, the sum of ninety-four thousand two hundred and seventy-three dollars, for the following purposes: For the payment of current expenses from October 1st, A. D. 1876, to Jan-

Appropriation.

uary 1st, A. D. 1878, eighty-two thousand seven hundred and seventy-three dollars, for permanent improvements and miscellaneous purposes, eleven thousand five hundred dollars, and also the further sum of six thousand seven hundred and twenty-eight dollars and seventy-nine cents, in full for arrearages to October 1st, 1876.

How money to be drawn.

SECTION 2. All sums of money appropriated by this act for the payment of current expenses shall be drawn from the treasury not oftener than monthly in advance, all other sums, when needed for the purpose for which the appropriation is made.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 208.

AN ACT to appropriate to the Northern Wisconsin Agricultural and Mechanical Association a sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated to the Northern Wisconsin Agricultural and Mechanical Association, out of any money in the general fund not otherwise appropriated, the sum of one thousand dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 209.

AN ACT to appropriate to the Home of the Friendless, of Milwaukee, a sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated to the Home of the Friendless, in Milwaukee, the sum of five

hundred dollars, out of the general fund, for the care and shelter of friendless persons.

SECTION 2. This act shall take effect from its passage and publication.

Approved March 7, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 210.

AN ACT to regulate the use of the great seal, and to establish a lesser seal.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The great seal of the state shall not be used for any purpose but to authenticate the official acts of the governor. How great seal to be used.

SECTION 2. There is hereby established a lesser seal as a seal of office for the secretary of state, which shall be one and three-fourth inches in diameter, and shall have upon it the device engraved upon the great seal. Above the device in a curved line parallel with the border shall be the words, "Seal of the Secretary of State," and below the device in a curved line the words, "State of Wisconsin." Lesser seal, and purpose thereof.

SECTION 3. All writings, papers and documents now or hereafter required by law to be certified under seal by the secretary of state, shall be authenticated by the said lesser seal herein established. Secretary of state to certify under lesser seal.

SECTION 4. All acts and parts of acts conflicting with the provisions of this act are hereby repealed. Repealed.

SECTION 5. This act shall take effect and be in force from and after the fourth day of July, A. D. 1877.

Approved March 7, 1877.

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[*Published March* 21, 1877.]

## CHAPTER 211.

AN ACT relating to the fees of sheriffs and referees.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The fees of any sheriff, referee or other officer for selling real estate under any decree or order Fees of sheriffs and others.

of court, shall be as follows: For making the sale and all the necessary papers and notices including deed, when the amount bid does not exceed one thousand dollars, ten dollars; when the amount bid exceeds one thousand dollars, fifteen dollars, besides the cost of publishing any advertisement of sale.

Repealed.

SECTION 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 16, 1877.]

## CHAPTER 212.

AN ACT relating to corporations organized under provisions of chapter 113 of the laws of 1874.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Corporations may file copy of articles with secretary of state.

SECTION 1. The persons who have heretofore organized, or who may hereafter organize, as a corporation for benevolent purposes, by adopting articles of association, pursuant to and under provisions of chapter 113, of the laws of 1874, may file with the secretary of state a copy of such articles of association, duly certified to by the register of deeds of the county where the same are filed; and upon filing such certified copy with the secretary of state, if it shall appear to the governor that such articles of association contain all the provisions required to be stated therein by said chapter 113, it shall be the duty of the governor to issue to the persons named in such articles of association a patent under the great seal of the state, signed by the governor and countersigned by the secretary of state, which patent shall be substantially in the following form:

Duty of governor to issue patent.

To all persons to whom these presents shall come, greeting:

Form of patent.

Whereas (naming the persons subscribing the articles of association) have filed in the office of the secretary of state certain articles of association, whereby, pursuant to and under the provisions of chapter 113, of the laws of 1874, they have organized themselves into a corporation, under the name of (here insert the name)

for the purpose of (here insert purposes stated in articles of association), and it appearing that they have complied with the provisions of said chapter 113, of the laws of 1874, and that such articles of association contain all the provisions required to be stated therein, and that such corporation is duly organized. The state of Wisconsin does hereby grant unto the above named persons and their successors, full authority by and in the name of (insert corporate name) to exercise the powers and privileges of a corporation for the purposes set forth in and in accordance with such articles of association and the laws of this state.

In witness whereof, these presents have been attested by the governor and the great seal of the state, and countersigned by the secretary of state of the state of Wisconsin, at Madison this —— day of ——, in the year one thousand eight hundred and ——.

[Seal]. Governor.

Secretary of State.

Approved March 7, 1877.

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[*Published March* 17, 1877.]

## CHAPTER 213.

**AN ACT to legalize the acts of joint district No. 4, of the city and town of Manitowoc.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All the acts of joint school district No. 4, in the city and town of Manitowoc, county of Manitowoc and state of Wisconsin, at a school district meeting held in said district on the 31st day of July, A. D. 1876, are hereby declared to be as legal and valid as if held at the time appointed by law after due legal notice, and the officers elected thereat are hereby declared to be the legal officers of said district, anything to the contrary notwithstanding, and all the acts of the said officers shall be as legal and binding as though they had been elected at the time prescribed by law. **Acts legalized.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1877.

[*Published March* 15, 1877.]

## CHAPTER 214.

AN ACT to legalize the organization of school district No. 2, in the town of Little Wolf, Waupaca county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Acts legalized.

SECTION 1. The acts of the town board of supervisors of the town of Little Wolf, Waupaca county, so far as they relate to the organization of school district No. 2, in said town, on the 28th day of March, 1876, in detaching certain territory from school districts Nos. 2 and 6, in the town of Little Wolf, and attaching the same to school district No. 2 aforesaid, without first giving legal notice to the district board of said district No. 2, are hereby legalized and declared valid and in full force and effect.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 215.

AN ACT to authorize the common council of the city of Watertown to levy a special tax for the purchase of fire engines and engine house and bridge building.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to levy special tax.

SECTION 1. The common council of the city of Watertown are hereby authorized to levy a special tax, not to exceed five mills on the dollar, upon the property liable to taxation in said city, towards the purchase of fire engines and engine house and bridge building; *provided*, that the amount so levied and collected, as authorized by this act, shall be appropriated to no other purpose, except the purposes specified in this act, and in this respect shall be deemed and considered an amendment to the city charter.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1877.

[*Published March 23, 1877.*]

## CHAPTER 216.

**AN ACT to authorize the town of Menasha, in the county of Winnebago, to take up and liquidate its bonded indebtedness.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Whenever the board of supervisors of the town of Menasha, in Winnebago county shall pass a resolution to purchase or take up any of the bonded indebtedness of said town before the same shall become due, and such resolution shall have been submitted to a vote of the qualified electors of said town at the annual town meeting, or at any special meeting called for that purpose, and shall be approved by a majority vote at such meeting, then the board of supervisors of said town may levy a special tax or taxes to pay the same according to the terms of the purchase or compromise so made and accepted, in any year when any portion shall become due, and which special tax or taxes may be levied at any time, and shall be levied and assessed upon the last equalized assessment of the real and personal property of said town, previous to the levying of such tax. And immediately thereafter the town clerk of said town shall assess and make out upon a tax roll made from such assessment, such tax in the same manner as provided by law for the assessing, calculating and making out taxes in other cases. And upon completion of said tax roll, the said clerk shall immediately make out a duplicate copy of such tax roll, to which he shall append his warrant as in other cases, as provided by law, and shall deliver such tax roll and warrant to the town treasurer of said town, and thereupon such treasurer shall at once proceed to collect the taxes and assessments specified and made out in such tax list in the same manner as provided for the collection of taxes in other cases, and shall be possessed of the same powers and rights; and he shall have two per cent. for collecting such taxes. Such warrant shall be returnable to the county treasurer of Winnebago county, in forty days from its date, and at the expiration of such time the treasurer of said town shall return such tax list and warrant to said county treasurer, with a list of all lands, lots and personal property upon which the

How bonded indebtedness may be taken up.

Duty of town clerk.

Duty of town treasurer.

taxes have not been paid, with the taxes assessed thereon, and all such taxes not then collected, and so returned to the county treasurer as aforesaid, shall draw interest after such return at the rate of twenty per cent. per annum, up to the day of the sale of lands for taxes; *and provided*, that any such tax may be paid prior to such sale by paying the amount of such tax with interest at the rate of twenty per cent. per annum, and two per cent. for collection, and all costs thereon to that date; and the county treasurer shall possess the same powers and rights in collecting such taxes so returned as in other cases, and shall proceed to advertise and sell all lands on which such taxes shall remain unpaid, at the same time and in the same manner and with the same effect as provided by law for the sale of lands for taxes; and all such taxes returned to the county treasurer and collected by him shall be by him paid over to the treasurer of said town with the interest collected thereon.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 21, 1877.]

## CHAPTER 217.

**AN ACT to facilitate the more perfct execution of trusts in certain cases.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Parties disagreeing as to construction of provisions in mortgage may have same decided by decree of circuit court.**

SECTION 1. Whenever any misunderstanding or disagreement shall arise between the mortgager and the mortgagees or trustees named, in any railway mortgage or trust deed of property situated within this state, as to the proper construction of any of the provisions of such mortgage or deed of trust, or as to the rights and duties of either of the parties thereto thereunder, either of the parties to such mortgage or deed of trust, or all of them jointly, may, by petition addressed to the circuit court of any county within which the mortgaged property or any of it may be situated, have a judgment or decree declaring the true intent and meaning of the provision or provisions of such mortgage or deed of trust the construction of

which is so in controversy and the rights and duties of the parties to such mortgage or deed of trust thereunder. And such judgment or decree shall be binding upon the parties to any such mortgage or deed of trust until the same is reversed on appeal as hereinafter provided.

Petition to be filed, and to be accompanied by copy of mortgage.

SECTION 2. The petition shall be filed in the office of the clerk of the circuit court in and for the county in which the proceeding is instituted, and shall in all cases set out or have annexed thereto a certified copy of such mortgage or deed of trust, and of the whole thereof, and shall contain a recital of the provision or provisions of such mortgage or deed of trust, the construction of which is in controversy, with a precise and accurate statement of the points in dispute. From the time of filing such petition the proceedings shall be considered an action pending in the circuit court of said county.

Judge to fix time and place of hearing.

SECTION 3. Upon presentation of said petition to the judge of said court, he shall by an order fix the time and place when and where the same will be heard: *provided*, that the time of such hearing shall, except in cases where all of the parties to said mortgage or deed of trust join in said petition, not be less than sixty days from the date of said order; *provided further*, that if any of the said parties are not resident in the United States, said time shall not be less than ninety days from the date of said order. Immediately upon the making of said order, the party or parties signing and filing said petition shall give notice to all the parties to said mortgage or deed of trust who have not joined in the said petition, of the filing of the same and of the time when and the place where the same will be heard, as fixed by said order. Said notice shall be accompanied by a copy of the petition, certified by the clerk of said court, and shall be delivered personally to the party intended to be so notified, and said notice when to be served without the United States shall also be accompanied by a copy of this act. Proof of the delivery of such notice and copy of petition shall be made, if the party notified is resident in any of the states or territories of the United States, by affidavit of the person delivering the same, authenticated under and in accordance with the provisions of chapter 79 of the general laws of 1864, entitled "An act to amend chapter one hundred and thirty-seven of the revised statutes, entitled 'of evidence,'" and if the said notice and petition are delivered without the limits of the

Notice of hearing to be given.

United States, proof of such delivery may be made by affidavit taken before a judge of a court of record of the country where such delivery is made, certified by the clerk or prothonotary of such court under the seal thereof; *provided, further*, that no hearing shall be had upon said petition until the expiration of at least ninety days from the date of delivery of such notice as hereinbefore provided, to the party last notified. The court in which such proceeding is instituted, may at any stage of said proceeding order any party whose presence he may deem necessary and proper, to be served with notice as hereinbefore provided and for that purpose may stay all further proceedings on said partition, and any owner of bonds secured by said mortgage or deed of trust, may appear and be heard in such proceedings. The said court shall also be at liberty to adjourn from time to time the said hearing or to postpone the same; the practice in proceedings authorized by this act shall be the same so far as applicable as the practice which governs the prosecution of other civil actions in said court.

**Court may stay proceedings, and adjourn from time to time.**

SECTION 4. The said court may, if essential, take proofs upon the hearing of said petition and the judgment or decree rendered thereon shall be entered and docketed as other judgments and decrees of said court. Either party may file exceptions to the decision of said court in said proceeding and appeal to the supreme court from the judgment therein, in like manner as appeals are taken from judgments in other civil actions. Either court may award costs to the prevailing party and render judgment therefor against the other party.

**Decree to be entered and docketed.**

**Appeal may be taken.**

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 218.

AN ACT to extend the time for the construction of the North Wisconsin Railway, and to waive the forfeiture therein referred to.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Waiver of forfeiture.**

SECTION 1. The forfeiture incurred by the North Wisconsin Railway Company by its failure to construct

twenty miles of its road during the year 1876, as required by chapter 126 of the general laws of 1874, entitled "An act to confer certain lands upon the North Wisconsin Railway Company and the Chicago and Northern Pacific Air Line Railway Company, and to execute the trust assumed by the state of Wisconsin by its acceptance of the grants of land made by congress by acts approved June 3d, 1856, and May 5th, 1864," is hereby waived, and the time for the construction of the said twenty miles of said road is hereby extended one year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 17, 1877]

## CHAPTER 219.

AN ACT to donate the cereals and other centennial exhibits made by the state to the State Agricultural Society.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The cereals and other seeds and glass globes in which said cereals and seeds were exhibited by the state at the centennial exposition; one case samples fine wool; one agricultural map of the state; one picture of the state capitol, and three pictures of centennial buildings, are hereby donated to the above named society, to be by them kept in the Agricultural Rooms in the capitol. Donation to State Agricultural Society.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 21, 1877.]

## CHAPTER 220.

AN ACT to declare warehouse receipts negotiable.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All warehouse receipts on which the When warehouse receipts

deemed negotiable.

words "not negotiable" are not written or stamped upon the face thereof shall be deemed negotiable.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 16, 1877.]

## CHAPTER 221.

**AN ACT providing for the letting of the official printing of Milwaukee county.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Duty of county board of supervisors in letting publications.

SECTION 1. It is hereby made the duty of the board of supervisors of Milwaukee county, at their annual meeting in June of each year, to direct the county clerk of said county to advertise in one English and one German newspaper published in the city of Milwaukee, for proposals to do the advertising of the proceedings of said county board of supervisors and all other official notices or advertisements as are now or shall hereafter be required to be published by said county board of supervisors.

What proposals to call for.

SECTION 2. The said proposals shall call for bids from the English and German newspapers published daily in the city of Milwaukee, and having a *bona fide* circulation of at least two years prior to said letting.

How bids to be made and presented.

SECTION 3. Said bids shall be in writing, duly sealed and directed to the county clerk of said county, on or before the Tuesday first succeeding said annual meeting of said board in June; *provided, however*, that said county clerk shall neither accept or entertain any bid unless the same is accompanied by a certificate of the county treasurer, showing that the bidder has deposited with him the sum of five hundred dollars ($500) in lawful money, or United States bonds, and a written agreement executed by said bidder under seal, to the effect that if such bid be accepted, and after having been duly notified thereof, such bidder shall fail to enter into contract and execute a bond as required by this act within the time specified by said advertisements for said bids, then the said five hundred

Bids to be accompanied by deposit.

dollars shall become absolutely forfeited to the county of Milwaukee.

When bid rejected.

SECTION 4. If a bid be rejected, said certificate of the county treasurer and such agreement shall be returned to the bidder, otherwise the same shall be retained until such contract and bond be fully complied with as hereinafter provided for, when said five hundred dollars shall be returned to the contractor.

How bids to be opened and considered.

SECTION 5. Said county clerk shall, on the Tuesday hereinbefore mentioned, in the presence of the committee on printing of said county board of supervisors, open all such proposals, and in the presence of said committee enter upon his minutes a record of said proposals respectively, with the price at which each such newspaper offers to do the work, and said clerk shall also furthermore enter upon his minutes an order awarding such printing to one English and one German newspaper published in said city of Milwaukee, as shall respectively offer to do such printing at the lowest price for the year ensuing after the day of making the award. If, however, any two or more of such bids shall be for the same price, then the printing shall be awarded to the paper having the largest circulation.

Contractors to enter into bonds.

SECTION 6. The newspapers to which such contract is awarded shall each thereupon give bond, with acceptable sureties, in the penal sum of two thousand dollars, for the faithful performance of their contract; said bond, however, must be approved by the said county board of supervisors.

Repealed.

SECTION 7. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 21, 1877.]

## CHAPTER 222.

AN ACT relating to foreclosure sale [and] amendatory of section two of chapter 299 of the general laws of 1863.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section two of chapter 299 of the general laws of 1863, is hereby amended by adding thereto

the following words, viz.: "And any such sale heretofore made or hereafter to be made, in good faith, shall not be vacated or set aside, by reason of the fact that a judgment for any deficiency remaining due, after the application of the proceeds of such sale to the payment of the amount adjudged due, with interest and costs, has been included in the original judgment of foreclosure; or by reason of the reversal of such judgment, in whole or in part, because of such fact, unless upon due inquiry it shall be made to appeal [appear] affirmatively to the satisfaction of the court, that the defendant has suffered material injury by reason of such fact.

Sale not to be set aside.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 223.

AN ACT to amend chapter 72, of the private and local laws of 1870, entitled "An act to enable the city of Watertown to settle its railroad debt," approved February 17, 1870.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one, of chapter seventy-two (72), of the private and local laws of eighteen hundred and seventy (1870), entitled "An act to enable the city of Watertown to settle its railroad debt," approved February 17, 1870, is hereby amended by adding to section one, at the end of said section, the following words: *provid d, further*, that no new bonds shall be issued or exchanged under this act after the first day of April, eighteen hundred and seventy-eight (1878).

When new bonds not to be issued.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

[*Published March* 15, 1877.]

## CHAPTER 224.

AN ACT relating to and amendatory of section 1, chapter 38, laws of 1874, entitled "An act to ascertain annually the number of acres of the principal farm products of the state."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one, of chapter thirty-eight, of the general laws for the year 1874, is hereby amended by inserting between the words "rye" and "hops" in the fifth line of said section, the words "flax seed, cultivated grasses, potatoes, roots, apples, cultivated cranberries, the number of bushels of timothy and clover seed, and timber," so that section one, of chapter thirty-eight, general laws of 1874, will, as amended, read as follows: It shall be the duty of the assessors of each town in this state, at the time of making the annual assessment of property, to ascertain the whole number of acres of each kind of farm products and timber, to-wit: wheat, corn, oats, barley, rye, flax seed, the number of bushels of clover seed, cultivated grasses, potatoes, roots, apples, cultivated cranberries, hops, tobacco, and timber, then growing in his town, and make duplicate certificates thereof, one of which he shall file in the office of the town clerk of his town, and the other with the clerk of the board of supervisors of his county, on or before the first day of July of the same year.

Amended.

Duties of assessors to collect statistics.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 21, 1877.]

## CHAPTER 225.

AN ACT relating to costs and fees, and amending section 33 of chapter 133 of the revised statutes, entitled "Of costs and fees."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 33 of chapter 133 of the revised statutes, is hereby amended so as to read as follows:

Amended.

Fees of jurors and talesmen.

Each grand and petit juror, except talesmen, shall be entitled to two dollars for each day's attendance upon any circuit court, and six cents for each mile traveled, in going and returning by the most usual route, to be paid out of the treasury of the county, by the treasurer thereof, on the certificate of the clerk of the court; *provided*, that the provisions of this act shall not apply to the county of Milwaukee. Each talesman summoned and acting as a juror in a court of record, shall be entitled to twenty-five cents for h s services in each cause, to be paid in the same manner herein provided for the payment of grand jurors. Each juror sworn before any coroner, or any inquest taken by him, shall be entitled to one dollar for each day's attendance on such inquest. Each juror sworn in any action in a justice's court, or before any sheriff on a writ of inquiry, shall be entitled to fifty cents for each day's attendance, to be taxed against the losing party, and when in any action before a justice of the peace (except in criminal cases) any of the parties to the action shall demand a jury trial, such party shall, before being entitled to the empaneling of a jury, pay jury fees for half a day's attendance in ad ance.

Repealed.

SECTION 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 21, 1877.]

## CHAPTER 226.

AN ACT to amend chapter 47 of the general laws of 1871, entitled "An act to amend chapter 107 of the private and local laws of 1867, entitled 'An act to authorize the appointment of a phonographic reporter for the circuit courts of the counties of Milwaukee and Kenosha.'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Chapter 47 of the general laws of 1871 is hereby amended so as to read as follows: Section 1.

Authority to appoint phonographic reporters.

It shall be lawful for the circuit courts of the counties of Milwaukee and Kenosha, and the county court of Milwaukee county, to appoint a phonographic reporter

for each of said courts, who shall be a sworn officer of such court, and who shall be skilled in the art of short hand writing and reporting legal proceedings. The reporter so appointed shall attend such court at each term thereof, when required by the court or judge thereof, and shall discharge such duties as the judge may direct.

Reporters may appoint assistant.

SECTION 2. The reporter of each of said courts may appoint an assistant to aid him in reporting and transcribing, which assistant shall be a sworn officer of such court.

Salaries of reporters.

SECTION 3. The sum of two thousand dollars ($2,000) per annum shall be paid to the reporter appointed for the said circuit court of Milwaukee county, for the services of himself and assistant, which shall be in lieu of all per diem for attending said court, and in lieu of all fees of all kinds whatsoever for transcribing the short hand notes taken in said court. The said salary shall be paid by the county treasurer of Milwaukee county at the end of every quarter year, from the date of the appointment. A similar sum shall also be allowed and paid to the reporter appointed by the said county court of Milwaukee county for the services of himself and assistant, which shall also be in lieu of all per diem and fees now received for transcribing short-hand notes taken in said court, which shall be paid in manner similar to that provided for the payment of the services of the reporter of the circuit court.

Duties of reporters.

SECTION 4. It shall be the duty of the phonographic reporter of each of said courts to furnish upon request, transcripts of his short hand notes of the testimony and other proceedings, and to charge and collect ten cents per folio for such transcript. The amount so collected shall, at the end of each quarter year from the date of his appointment, be returned to the county treasurer of said county, accompanied by a statement under oath of the amount of fees so received, and the parties from whom received.

Reporters to enter into bonds.

SECTION 5. The reporter of the said circuit court and the reporter of the said county court shall each give bonds in the sum of five thousand dollars ($5,000), to be approved by the judge of the said court, for the proper performance of the duties of his said office.

Compensation of reporter.

SECTION 6. The compensation of the phonographic reporter of the county of Kenosha shall be the same as is now fixed by law for the counties of Racine and Walworth, being the remaining counties in the circuit.

Power of judge to remove reporter.

SECTION 7. The judge of each of said courts may remove the reporter of his said court for incompetency, neglect or refusal to perform the duties of his office.

SECTION 8. This act shall take effect and be in force from and after its passage.

Approved March 7, 1877.

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[*Published March* 23, 1877.]

## CHAPTER 227.

AN ACT to amend chapter 364, of the laws of 1876, entitled "An act in relation to sheriff's fees."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Salary of sheriff of Milwaukee county.

SECTION 1. The salary of the sheriff of Milwaukee county shall hereafter be $5,000 per annum, payable quarter yearly, out of the treasury of Milwaukee county, which compensation shall be in lieu of all fees, per diem, or other emoluments of whatever kind or nature heretofore allowed said sheriff by law. Said sheriff shall also on the 31st day of March, 30th day of June, 30th day of September, and 31st day of December, in each year during the term of his office, and while receiving the salary herein provided, collect from all parties for whom services are performed by him or any of his deputies, in his or their official capacity, all fees, per diem and emoluments of every kind and description, and pay the same into the treasury of Milwaukee county. Said sheriff shall also, on the days heretofore mentioned, make report to the board of supervisors of Milwaukee county, in writing, and under oath, of all fees, per diem and other emoluments of every kind and description, charged and collected by him for services performed by him or any of his deputies, in his or their said official capacity; which report shall also state fully for what services said fees, per diem and emoluments were charged; *provided, however*, that said sheriff or his deputies shall be entitled to actual traveling expenses incurred when in the discharge of his or their official duties beyond the corporate limits of the city of Milwaukee. Said sheriff shall render an itemized account of such expense to the board of supervisors of said county of Milwaukee, and after said board

Sheriff to pay fees to county treasurer.

of supervisors shall have audited such account the same shall be paid out of the county treasury of said county, in the same manner as other accounts are paid.

SECTION 2. Said sheriff is hereby authorized to appoint one under-sheriff, who shall receive a salary of fourteen hundred ($1,400) dollars per annum, to be paid monthly out of the treasury of Milwaukee county, and nine deputy sheriffs, of whom one shall act as clerk in the sheriff's office; the said deputy sheriffs shall receive a salary of eight hundred (800) dollars per annum, except the one acting as clerk in the sheriff's office under the provisions of this act, who shall receive a salary of twelve hundred ($1,200) dollars per annum. The salaries of said nine deputy sheriffs shall be paid monthly out of the treasury of said Milwaukee county, and the salaries so paid to said under-sheriff and said deputy sheriffs shall be in lieu of all fees, per diem and other emoluments of whatever kind or nature, heretofore allowed by law. **Salaries of under sheriffs and deputies.**

SECTION 3. The board of supervisors of Milwaukee county are hereby authorized to audit the accounts of the present sheriff of Milwaukee county for services performed by him, his under sheriff and nine deputies, from the first day of January, A. D. 1877, to the date when this act shall take effect and be in force, at rates not exceeding those provided by this act, and order the same paid out of the treasury of Milwaukee county. The salaries of the sheriff, under sheriff and the nine deputy sheriffs shall be paid by the county treasurer of Milwaukee county on the order of the chairman of the board of supervisors of said county, countersigned by the county clerk. **Board of supervisors to settle with sheriff and deputies.**

SECTION 4. All acts or parts of acts conflicting with the provisions of this act, are hereby repealed. This act shall take effect and be in force from and after its passage and publication. **Repealed.**

Approved March 7, 1877.

[*Published March* 15, 1877.]

## CHAPTER 228.

AN ACT to amend section 100, of chapter 18, of the Revised Statutes, concerning the collection of delinquent personal property tax.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. The last clause of section 100, of chapter 18 of the Revised Statutes, is hereby amended by inserting after the words "opposite their respective names," the words "with interest at the rate of 12 per cent. per annum" from the first day of January next preceding, so as to read as follows: The county treasurer shall within the time aforesaid annex to such schedule a warrant under his hand, directed to the sheriff of his county, commanding him to collect from each of the persons and corporations named in said schedule, the amount of the unpaid taxes set down in such schedule opposite their respective names, with interest at the rate of 12 per cent per annum, from the first day of January next preceding, together with his fees for collecting the same, of the goods and chattels, lands and tenements of said persons and corporations respectively, and to pay the same to the county treasurer and make returns of such warrants within sixty days after the date thereof, and the county treasurer may renew such warrant from time to time, either before or after the return of the same, for sixty days, at any one time, and not longer than one year after the date of such warrant.

Duty of treasurer and sheriff in collecting taxes.

SECTION 2. This act shall be in force from and after its publication.

Approved March 7, 1877.

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[*Published March* 22, 1877.]

## CHAPTER 229.

AN ACT relating to the protection of insect-devouring birds, and amendatory of chapter 178, general laws of 1869.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Chapter 178 of the general laws of 1869 is hereby amended so as to read as follows: It shall

not be lawful for any person to wantonly destroy or kill by any device whatsoever, any brown thrushes, blue birds, martins, swallows, wrens, cat-birds, robins, peewee, meadow lark, sparrow, or any other insect-eating bird of any kind in this state; nor shall it be lawful for any person to disturb or destroy the nests or eggs of any of the birds mentioned in this section. **Unlawful to kill certain birds.**

SECTION 2. And any person who shall violate in any manner the provisions of section one (1) of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one dollar, nor more than five dollars for the first offense, and not less than five nor more than fifteen dollars for each subsequent offense. Justices of the peace shall have concurrent jurisdiction of the offenses mentioned in this act; *provided*, that any person convicted in the justice's court, of any offense of the provisions of this act, may appeal therefrom as provided by law in criminal cases. **Penalty for violation of act.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 230.

AN ACT to fix the terms of the circuit court of Winnebago county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There shall be three general terms in each year of the circuit court for Winnebago county, to be held as follows: On the Tuesday next after the second Monday of April; on the Tuesday next after the first Monday in September; and on the Tuesday next after the fourth Monday of November in each year. **When terms of court to be held.**

SECTION 2. All acts or parts of acts contravening any of the provisions of this act, so far as they conflict with any of the provisions of this act, are hereby repealed, and no further; *provided, however*, that nothing herein contained shall be construed as repealing any of the provisions of chapter 318, of the laws of 1875, which said law shall remain in full force and effect. **Repealed.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 23, 1877.]

## CHAPTER 231.

AN ACT to provide for the appointment of five commissioners, who shall furnish to the next legislature certain information, and who shall report to said legislature a bill to re-district the state into judicial circuits, equalizing the labors of the judges thereof, and determining the salaries of said judges.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appointment of commissioners to make report concerning circuit courts to next legislature.

SECTION 1. The governor of the state is hereby authorized to appoint five competent persons as commissioners to ascertain and report to the next succeeding legislature the average duration per annum for the last three years of aggregate circuit court sessions in each county organized for judicial purposes, and in each circuit as at present constituted; and to report a bill to the next succeeding legislature to re-district the state into such number of such circuits as will equalize the labors of the judges thereof, and to determine the salaries of the said judges. And it is hereby made the further duty of such commissioners to report to the next succeeding legislature whether or not, in their judgment, it is feasible or desirable to provide for the rotation of the several circuit judges among the several circuits, and for the holding of the court by the several circuit judges in any other circuits than their own; and if by them deemed feasible or desirable, to report by bill a plan for such interchange or rotation.

When commissioners to enter upon their duties.

SECTION 2. The commissioners appointed in pursuance of section 1 of this act shall enter upon their work as soon as practicable; and when their duties shall have been completed, the said commissioners shall report as provided in section 1.

Necessary expenses of commissioners to be paid by state.

SECTION 3. The commissioners before mentioned shall receive their actual traveling and other necessary expenses, incurred while engaged in attending to the duties of the commission, to be audited by the secretary of state, upon the presentation of a written statement of such expenses by the said commissioners, and

paid out of the state treasury, out of any moneys belonging to the general fund, not otherwise appropriated; *provided*, that nothing in this act shall be construed as giving the said commissioners any claim on the state for services rendered under its provisions, except for traveling and other necessary expenses actually incurred while in the performance of such duty.

Vacancies in commission to be filled by the governor.

SECTION 4. In case any of the commissioners become incapacitated by reason of sickness or other cause, to perform their duties under this act, the governor of the state is hereby authorized to appoint a suitable person or persons to take the place of the commissioner or commissioners so incapacitated.

Duties of clerks of circuit courts.

SECTION 5. It is hereby made the duty of the clerk of each circuit court of this state, under the direction of the judge of said circuit court, to prepare and return as speedily as possible to the commission herein created, upon request made by said commission, any and all information desired by said commission in regard to the circuit court sessions of the court of which such clerk is the clerk; and in regard to any other facts within the knowledge of such clerk; and in regard to any records in his possession necessary for the purpose of enabling said commission to comply with the provisions of this act.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 232.

AN ACT to provide for the purchase of two hundred and fifty copies of Webster's Unabridged Dictionary.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to purchase dictionaries.

SECTION 1. The state superintendent of public instruction is hereby authorized and directed to purchase on behalf of the state, two hundred and fifty (250) copies of the latest edition of Webster's unabridged dictionary, at a cost, delivered at his office, not to exceed six dollars per copy.

How same to be distributed.

SECTION 2. The said dictionaries when procured shall be distributed in accordance with the provisions

of chapters sixteen (16) and thirty-two (32) of the general laws of 1867.

Appropriation.

SECTION 3. There is hereby appropriated out of the general fund a sum sufficient to pay for the dictionaries above provided for.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 22, 1877]

## CHAPTER 233.

AN ACT relating to the capital of fire and inland navigation insurance companies [of] other states and of foreign governments, desiring to transact business in this state.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Requirements of insurance companies.

SECTION 1. No fire or inland navigation insurance company organized or incorporated under the laws of any other state of the United States or of any foreign government, shall hereafter be admitted to transact business in this state, unless possessed of a paid up capital of two hundred thousand dollars; *provided, however*, that the provisions of this act shall not apply to any company that was duly licensed to transact business in the state during the year 1876, and that has or shall have complied with the requirements of law relative to obtaining a license for the present year; *and provided*, that mutual companies of other states may be admitted to transact business in this state, in case the states where such mutual companies are located, admit the mutual companies of this state, by complying in all respects with the conditions and obligations imposed by the laws of such states on the mutual companies of this state.

Provisions not to apply to companies already admitted, nor to mutual companies in certain cases.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

[*Published March* 19, 1877.]

## CHAPTER 234.

**AN ACT to require Christian Burkhardt, his heirs and assigns, to sluice logs through a certain dam on Willow river now owned by him, and to authorize the collection of tolls for such sluicing.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Christian Burkhardt, his heirs and assigns, are hereby required to maintain suitable sluices in the dam now owned and maintained by him on Willow river, in the county of St. Croix, in this state, and to sluice through said sluices as provided in section 14 of chapter 302, of the private and local laws of this state for the year 1864, entitled "An act to incorporate the Willow River Dam Company," approved April 1st, 1864, all logs or timber being driven down the said Willow river above said dam; *provided*, that notice of the desire to have logs sluiced through said dam shall be given as in said section 14 provided. **Suitable sluices in dam required**

SECTION 2. The said Christian Burkhardt, his heirs and assigns, are hereby authorized to demand, receive, sue for and collect from the owner or owners of logs so sluiced through said dam as a compensation for the services rendered, in so sluicing said logs, the sum of fifteen cents per thousand feet, board measure, for all logs sluiced through the same which amount shall be and remain a lien upon the logs so sluiced, and which lien may be enforced in the same manner as the lien of laborers on logs is enforced under the provisions of chapter 154, of the general laws of the state for the year 1862, and the acts amendatory thereof. **Rates of toll.**

SECTION 3. The franchise hereby granted shall continue for the period of ten years. **Limitation of franchise.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

[*Published March* 15, 1877.]

## CHAPTER 235.

AN ACT to require service of notice of application for tax deeds in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Notice of pendency of action for foreclosure of mortgage to be filed in office of register of deeds.

SECTION 1. In all actions brought in any court for the foreclosure of a mortgage on real property, if due notice of the pendency of such action shall be filed in the office of the register of deeds of the proper county, and the plaintiff or his attorney in such action shall file a notice of the pendency of such action with the county clerk of such county; and the said county clerk shall note upon the books of tax sales in his office, opposite all tax certificates upon such real property the fact of such filing, and thereafter no person shall receive any tax deed upon any tax certificate upon the land described in such notice of pendency of action, without giving notice in writing to the plaintiff or his attorney of application for such deed, at least thirty days before receiving such deed, and any deed issued in violation of this act shall be void.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 236.

AN ACT to authorize James Hewitt to maintain a dam across Wedge's Creek, in Clark county, Wisconsin.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to maintain dam.

SECTION 1. James Hewitt, his heirs and assigns, are hereby authorized to maintain and keep up a dam across Wedge's Creek, in Clark county, Wisconsin, at a point on said creek at or near Hewittville, in section ten, township number twenty-four (24) north, of range three (3) west, of the fourth (4th) principal meridian, for the purpose of facilitating the running and driving of logs to Black river.

SECTION 2. The said James Hewitt, his heirs and assigns, shall maintain and keep in repair suitable slides and gates in said dam for flooding purposes, and for the purpose of sluicing and driving logs over, through and beyond said dam into Black river, and shall keep the same in repair, and shall hold the water back for the above named purpose whenever the case may require, and for that purpose said gates shall be closed. Requirements of incorporator.

SECTION 3. The aforesaid James Hewitt, his heirs and assigns, shall enjoy the privileges granted in this act for the term of fifteen years from and after the passage of this act. Limit of franchise.

SECTION 4. The said James Hewitt, his heirs and assigns, are hereby authorized and empowered to receive and collect from the owners of all logs passing over such slides, or driven by the aid of said dam, as a compensation for keeping up and maintaining such dam, the sum of ten cents per thousand feet, board measure, on all logs passing over such slides, and the aforesaid James Hewitt, his heirs and assigns, shall have a lien on all logs run over said dam, or driven by the aid thereof, until the aforesaid charges shall be fully paid, which lien shall be enforced in the same manner in which other liens for labor and services upon logs are enforced in Clark county, Wisconsin. Rates of toll.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 20, 1877.]

## CHAPTER 237.

AN ACT to codify and amend the laws of this state relating to garnishee and garnishee proceedings.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 2 of chapter 53 of the general laws of 1869, is hereby amended so as to read as follows: Section 2. If the original defendant in any garnishee proceeding in a court of record shall desire to discharge, the person or corporation garnisheed from liability, except in garnisheement on execution, he may file with the clerk of the court where the action is Amended. How original defendant to secure discharge from garnishee proceeding.

pending, a written undertaking in double the amount of indebtedness stated in the affidavit for attachment, when an attachment has been issued, or in double the amount of indebtedness stated in the complaint duly verified, when such complaint has been served on the defendant with at least two sureties, who are freeholders and residents of this state, who shall justify that they are worth in the aggregate double the amount specified in such undertaking, over and above all debts, liabilities, and property exempt by law from execution, conditioned to pay the plaintiff the amount of the judgment, if any, which the plaintiff may recover in the action against the defendant, and serve a copy thereof with the justification of such sureties, and notice of the time of filing the same, and of the residence of such sureties, upon the plaintiff or his attorney; *provided, however*, that the plaintiff may except to the sufficiency of the sureties, within the same time, and in like manner as upon bail or arrest, and a failure so to except shall be deemed an acceptance of the undertaking and a discharge of the garnishee.

Proviso.

Repealed.

SECTION 2. Sections 1 and 5 of said chapter 53, of the general laws of 1869, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

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[*Published March* 23, 1877.]

## CHAPTER 238.

AN ACT relating to evidence and amendatory of section 2, of chapter 134, of the general laws of 1858.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 2, of chapter 134, of the general laws of 1858, entitled "Of evidence," is amended so as to read as follows: A party to any civil action or special proceeding in any and all courts and before any and all tribunals and before any and all officers acting judicially may be examined as a witness in his own behalf or in behalf of any other party in the same manner and subject to the same rules of examination as any other witness; *provided*, that the assignor of a thing in action shall not be examined on behalf of said

When party may be heard as witness in his own behalf.

Proviso.

party, nor shall a party to an action be examined in his own behalf in respect to any transaction or communication had personally by said assignor or said party respectively with a deceased person against parties who are the executors, administrators, devisees, heirs at law, next of kin or assignees of such deceased person where they have acquired title to the cause of action from or through such deceased person, or have been sued as such by the executors, administrators, devisees, next of kin or assignees, but when such executors, administrators, devisees, heirs at law, next of kin or assignees shall be examined on their own behalf in regard to conversations or transactions had between the deceased person or said assignor or said party respectively, and where the cause of action or defense arose out of transactions with an agent of the deceased, and not with the deceased personally, and such agent be living and a witness, then the said assignor, or the said party may be examined in regard to such conversation or transaction, but not in regard to any other matter; *and be it further provided*, that whenever in any action brought by or against any executor, administrator, devisee, next of kin heirs at law or assignee of any deceased person, a witness shall be called to establish any declaration, conversation, admission or transaction between such witness and the party prosecuting or defending in his own right, then and in all such cases such party so sought to be charged may be examined in his own behalf touching such declaration, conversation, admission or transaction the same as he might have been had the opposite party brought or defended the action in his own right and not in a representative capacity, but not in regard to any new matter; but if the testimony of a party to the action or proceeding has been taken, and shall afterwards die, and after his death the testimony so taken shall be used upon any trial or hearing in behalf of his executors, administrators, devisees, heirs at law, next of kin or assignees, the other party or the assignor of a thing in action shall be a competent witness as to any and all matters to which the testimony so taken relates, notwithstanding any thing in this section to contrary therefore. Proviso.

SECTION 2. Chapter 176, of the general laws of 1868, is hereby repealed. Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

[*Published March* 15, 1877.]

## CHAPTER 239.

AN ACT to amend section 1, chapter 329, laws of Wisconsin of 1876, entitled "An act to authorize the county of Burnett to build and maintain a free bridge across the St. Croix river, in township 38 north, range 20 west."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one, of chapter three hundred and twenty-nine, of the laws of Wisconsin of 1876, is hereby amended by striking out the words "thirty-eight" where they occur in the third line of said section, and inserting in lieu thereof the words "townships thirty-seven or thirty-eight," so that said section, when amended, will read as follows: Section 1. The county of Burnett is hereby authorized to erect and forever maintain a free bridge across the St. Croix river, in townships thirty-seven or thirty-eight north, of range twenty west; *provided*, the total cost of building and completing said bridge shall not exceed five thousand dollars; *and provided, further*, that nothing herein shall be held or construed to authorize any impeding or obstruction of the free navigation of the St. Croix river for logs and lumber.

Authority to erect free bridge.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

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[*Published March* 22, 1877.]

## CHAPTER 240.

AN ACT to amend section 1, of chapter 360, laws of Wisconsin of 1876, entitled "An act to prevent the hunting of deer with dogs."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 1, of chapter 360, laws of Wisconsin of 1876, entitled "An act to prevent the hunting of deer with dogs," is hereby amended by adding to said section the following words: *Provided*, that the

provisions of this act shall not apply to the counties of Ashland, Douglas and Bayfield.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 241.

AN ACT to appropriate to Ira F. Kilmer a sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to Ira F. Kilmer out of any money in the general fund, not otherwise appropriated, the sum of five dollars, as extra pay for services as soldier in the late war, as originally contemplated by chapter 8, laws of 1861, extra session, and chapter 112, laws of 1862. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 242.

AN ACT to appropriate to A. C. Millard, H. B. Palmer and Henry C. Sibree, a sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated, from the general fund, out of any money not heretofore appropriated, to H. B. Palmer, the sum of $29.53 costs, in an action, wherein the state of Wisconsin was plaintiff, and H. B. Palmer defendant. Appropriation.

SECTION 2. There is hereby appropriated, from the general fund, out of any money not heretofore appropriated, to A. C. Miller, the sum of $26.61 costs, in an Appropriation.

action wherein the state of Wisconsin was plaintiff, and A. C. Miller defendant.

Appropriation. SECTION 3. There is hereby appropriated, from the general fund, out of any money not heretofore appropriated, to Henry C. Sibree, the sum of $27.16 costs, in an action wherein the state of Wisconsin was plaintiff, and Henry C. Sibree defendant.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 14, 1877.]

## CHAPTER 243.

AN ACT to appropriate to the Wisconsin State Agricultural Society a sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation. SECTION 1. There is hereby appropriated to the Wisconsin State Agricultural Society, out of any money in the general fund not otherwise appropriated. the sum of two thousand dollars, for the promotion and advancement of the industrial interests of the state; *provided*, that no greater sum than one thousand dollars per annum shall be paid as salary to the secretary of said society.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 244.

AN ACT authorizing and directing the secretary of state to order the binding of the reports of the railroad commissioner.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority of secretary of SECTION 1. The secretary of state is hereby authorized and directed to order and procure the binding, in

a substantial manner, in cloth, of three hundred copies of the report of the railroad commissioner, for the use of the commission, in distribution and exchange for other similar reports from other states and countries, for the year 1876, and the same number annually thereafter; *provided*, that the cost of such binding shall not exceed twenty-five cents per copy.

State to procure binding of railroad reports.

SECTION 2. There is hereby appropriated out of the general fund a sufficient sum to pay for the binding of said reports of 1876, and annually thereafter.

Appropriation.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

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[*Published March* 19, 1877.]

## CHAPTER 245.

AN ACT to distribute more equally the burdens of taxation in certain counties in this state.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. On or before the fifteenth day of August in each year, it shall be the duty of the West Wisconsin railway company, and it is hereby directed to prepare a duly certified statement or list of lands owned by said railway company in each of the several counties wherein said lands are located, and which were exempt from taxation on the first day of August of said year, under the provisions of chapter 104, of the general laws of 1870, approved March 16th, 1870. The list or statement required by this act shall specify the name of the county in which said lands exempt as aforesaid are located, also the description of each tract, showing the section. township and range, together with the number of acres in each tract so described, and the gross number of acres exempt, as aforesaid, in each county.

Duty of West Wisconsin Railroad Company to prepare list of lands.

SECTION 2. The said railway company shall, on completion of the statement or list of lands exempt from taxation, required by section one of this act, immediately transmit the said statement or a copy of the same to the state treasurer to be filed in his office, for

Statement of lands to be sent to state treasurer.

the use of said state treasurer as hereinafter provided by this act.

Railroad company to prepare list, showing number of acres of land exempt in each county.

SECTION 3. The said railroad company shall prepare, or cause to be prepared, a duly certified statement or list containing the number of acres of land owned by the said West Wisconsin Railway Company and exempt from taxation as aforesaid, in every county wherein the lands so exempt are located, and transmit said statement or list, on or before the fifteenth day of August in each year, to the county treasurer of such county, to be filed in his office for the use of the said county treasurer as hereafter provided by this act. The statement or list required by this section for each county shall correspond with or be a duplicate of that portion of the statement or list transmitted to the state treasurer relating to such county.

Duty of state treasurer to apportion license fees to counties.

SECTION 4. On the receipt of said certified statement or list of lands from the said railway company required by section one of this act, it shall be the duty of the state treasurer, and he is hereby directed to apportion to the several counties where the lands exempt as aforesaid, are located, so much of the license fees or tax upon gross earnings paid into the state treasury, during the preceding year, by the West Wisconsin railway company, as shall amount to a sum not exceeding two and a half cents per acre upon the lands of said company exempt from taxation in said county. The sum that each county is entitled to receive by this apportionment shall be transmitted to the county treasurer of such county on or before the fifteenth day of September of said year; *provided, however*, that no county in which any of the lands of said company are situated shall be entitled to receive any money under the provisions of this act in which the lands of said company shall be assessed and sold for the non-payment of taxes, or which shall, after the passage of this act, enforce or seek to enforce the collection of any tax or taxes on such lands heretofore or hereafter levied.

Duties of county treasurers to apportion license fees to towns.

SECTION 5. The county treasurer of each county, on the receipt of the sum thus apportioned by the state treasurer, shall proceed forthwith to apportion the same to the several towns in such county, in the same proportionate part of said sum, which the lands exempt from taxation in each town shall bear to the entire number of acres in such county, as contained in the certified statement or list of lands transmitted to the county treasurer of each county by the railway company, as required by section three of this act.

SECTION 6. The county treasurer, after making the apportionment, shall transmit to the town treasurer of each town, without delay, the sum said town is entitled to receive under this apportionment, which shall be by him placed in the treasury of said town as a part of the general fund, to be expended for town purposes under the same restrictions that now exist in regard to the expenditure of the general fund of towns. How license fees to be applied by towns.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 16, 1877.]

## CHAPTER 246.

AN ACT to amend chapter 130, general laws of 1868, entitled "An act to provide for the assessment of property for taxation and the levy of taxes thereon."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 25, of said chapter 130, general laws of 1868, is hereby amended so as to read as follows: Section 29. The assessors shall lay before the board of review their assessment roll of the real property and all sworn statements made by others, and valuations made by them of personal property and bank stock. The board shall, under their official oaths, carefully review and examine said roll and statements, and all valuations of real or personal property and bank stock, and shall correct any errors apparent in description of property or otherwise, and for that purpose they are hereby required to hear and examine any person or persons upon oath who shall appear before them, in relation to the assessment of any property upon said roll, or in relation to any property omitted therein; and such examination shall be reduced to writing by the clerk and carefully preserved on file in his office, and if it appear that any property has been valued by the assessor too high or two low, they shall increase or lessen the same to the true valuation, according to the rules for valuing property prescribed in this act. They shall determine the correct value of any bank stock which has been valued by any officer of any bank at one price, and by the assessor at a different price. Any person who thinks the aggregate valuation of his per- Amended. Duty of board of review in equalizing assessments.

Persons aggrieved may appear before board and testify as to value of property.

sonal property, as fixed by the board of assessors, too high, may appear before the board of review at their annual meeting, and under oath state the true aggregate valuation of all personal property upon which he is liable to taxation, according to the provisions of this act, and if the board of review shall be satisfied of the truth of such statements, the valuation so fixed by him shall be taken by the board of review as the true aggregate valuation of his personal property, and all such statements shall be reduced to writing by the clerk and carefully preserved in his office. The clerk shall keep a careful record of all changes made and valuations determined upon by the board of review: *provided, further*, that the said board of review shall and may, when satisfied from the evidence taken that the valuation of any property assessed is too high or too low on the assessment roll, raise or lower the same, as the case may be, whether the person assessed appears before them or not; and they may also place upon the said roll any property that they may know to be left off said roll by mistake or otherwise, and assess the same to the person to whom in right it should be assessed; *and provided further*, that in all cases if said board shall raise the amount of such assessment or [on] any property, or assess any property not on the assessment roll, the owner thereof, if a resident of such town, or his agent if a non-resident, shall be duly notified of such assessment in time, that such owner or agent may be heard before such board, in relation to the value thereof; *provided*, that the residence of such owner or agent shall be known to any member of said board.

SECTION 2. This act shall be in force from and after its passage.

Approved March 8, 1877.

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[*Published March* 20, 1877.]

## CHAPTER 247.

AN ACT relating to and amendatory of chapter 12, of the laws of 1873, entitled "An act to provide for the improvement of Yellow river for log driving purposes."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Chapter 12, of the laws of 1873, is hereby amended and re-enacted as amended so as to read

as follows: Section 1. For the purpose of improving that branch of the Chippewa river known as Yellow river, so as to facilitate and insure the driving and floating of logs and timber down and out of said river, it is hereby provided and enacted that Albert E. Pound, of Chippewa Falls, his associates and assigns are hereby authorized to erect side, rolling and floating dams, and to clear and straighten the channels in and upon said Yellow river, and to maintain and operate the same, together with such other work as may be necessary for the purposes herein named. In consideration for the improvements hereby authorized, and when the same shall be so constructed, including such works as have already been constructed, as to provide substantial and beneficial conveniences and facilities for readily and rapidly driving logs and timber out of said river with reasonable certainty, having reasonable regard for the character of the river, and the stage of water therein at the proper seasons, and so long as the same shall be so maintained as to accomplish such results, the said Albert E. Pound, his associates and assigns, shall be entitled to receive and collect the following tolls, to-wit: For and upon all logs and timber put in said river, not more than twenty miles from its mouth, designed to be run out of the same, seven cents per one thousand feet, board measure; for and upon all logs and timber put in said river beyond the distance of twenty miles and not more than fifty miles from its mouth, designed to be run out of the same, fifteen cents per thousand feet; for and upon all logs and timber put in said river beyond a distance of fifty miles from its mouth, designed to be run out of the same, twenty cents per thousand feet; the distance to be computed by the channel of the river, and the amount of said logs and timber to be determined by or under the direction of the lumber inspector for that district, or by the mutual agreement of parties. But it is expressly provided that this act shall confer on said Pound, his asssociates or assigns, no right to hold or detain any logs or timber other than his or their own, or such as they may be requested to hold by the owners thereof, at any place except such only as shall be subject to a lien for tolls or for charges for driving as provided in this chapter, and only so much or such part of such logs or timber subject to such liens as shall be reasonably and properly necessary to secure the payment of the amount due on account of such tolls and charges unpaid upon the same, with lawful costs,

**Authority to erect and maintain dams.**

**Rates of toll allowed to be taken.**

nor shall the said Pound, or his assigns have the right, by any such works or improvements, or otherwise, to hinder, delay, impede or obstruct the driving of any logs or timber, and it is further provided that the right to charge the tolls, in this section given, shall extend only for such distance upon said river above its mouth as the improvements of the character aforesaid shall have actually and properly been made and completed, and for no further or greater distance.

**Authority to take possession of logs and timber.**

SECTION 2. It shall be lawful for the said Albert E. Pound, his associates and assigns, after they shall have improved the said Yellow river in the manner, and to the extent hereinbefore required, whenever they shall make a drive of logs, to take possession of all logs and timber actually put in said river to be floated down and not remaining on roll-ways, and also of logs on roll-ways or banks, when and when only they shall obstruct the drive, the owners or agents of which logs in either case shall not have inadequate [made adequate] provisions for driving the same by furnishing the necessary men, teams and tools, either for breaking such roll-ways as aforesaid at the proper time, or for making a through drive of such logs and timber out of said river, and to drive the same down and out of said river, or down said river, to such point as the same shall be taken in charge of and driven by such owner or agent, with the necessary men and tools and shall be entitled to receive and collect for such service, for all logs and timber driven a distance of five miles and less than twenty miles, fifteen cents for each one thousand feet; for all logs and timber driven a distance of more than twenty miles, and less than forty miles, twenty-five cents for each one thousand feet; for all logs and timber driven forty miles or more, and less than sixty miles, forty cents for each one thousand feet; and for all logs and timber driven sixty miles or more, fifty-five cents for each one thousand feet, board measure; the distance of driving to be computed, and the amount of logs and timber so driven to be determined in the same manner as provided in section one of this act, and said Albert E. Pound, his associates or assigns, having so driven logs and timber down said river, may continue in possession of all such logs and timber so floated or driven out of said river, subject to the proviso in the first section contained, until all charges for tolls and driving the same have been liquidated or paid; and it is further provided that whenever any owner of logs, his agent or servants, shall be ready and desirous

**Remuneration for driving logs.**

to drive his logs on said river, and the said Pound, his associates or assigns, shall not have begun their drive, such owner, his agent or servants, may drive without delay his own logs, and shall have the same right to take possession of and drive logs, already floating in the stream, and such as shall obstruct his drive on the banks or roll-ways as is given in this section to said Pound and his associates and assigns, and shall have the same charges for such service and have the same lien to secure the same, subject to the lien of said Pound, his associates and assigns, for the tolls provided in section 1, which shall be transferred to such driver of logs, and added to his own lien for charges, when he shall have paid such tolls to said Pound, his associates or assigns; *provided*, that neither said Pound, or his associates or assigns, or any such driver of logs, shall have the right in any other case to take or drive logs, without previous agreement with the owner thereof or his agent; and in no case shall have the right to control any logs or timber, or charge for service in driving, after the owner, his agent or servants, shall have come upon the river properly prepared and equipped, with men and tools to drive his own logs, and shall properly continue to drive thereafter of his logs and timber, but may retain possession until the lien for services already rendered shall be discharged.

**Parties so desiring may drive their own logs.**

SECTION 3. For any tolls or charges herein provided, which shall remain due and unpaid, the said Albert E. Pound, his associates and assigns, shall have a lien on all logs and timber upon which such toll or charges, or any part thereof, shall remain unpaid, and may enforce the same in the same manner as other liens for labor and supplies are enforced by law.

**Lien upon logs for services.**

SECTION 4. This act shall take effect from and after its passage, but this act and all such acts as shall be passed amendatory thereof, shall be at all times subject to be altered, amended or repealed by the legislature.

**Act subject to amendment or repeal.**

Approved March 8, 1877.

[*Published March* 15, 1877.]

## CHAPTER 248.

AN ACT relating to swamp lands in certain locality. To repeal chapter 313 of the private and local laws of 1869, entitled "An act to authorize the use of money arising from the sale of certain swamp and overflowed lands in the county of Portage, for drainage purposes," and to amend chapter 537 of the laws of 1865, relating thereto, and also to repeal chapter 105 of the private and local laws of 1875, entitled "An act to amend chapter 313 of the private and local laws of 1869."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Chapter 313 of the private and local laws of 1869, and chapter 105 of the private and local laws of 1875, are hereby repealed.

Moneys to be paid to towns in which swamp lands are situated.

SECTION 2. All moneys now under the control of the commissioners appointed by said chapter 313 and all moneys which are by them receivable from any source arising from sales of swamp lands since the 4th day of March, 1875, shall within thirty days after the passage and publication of this act be paid over by the treasurer of said commissioners to the towns in which the swamp lands described in section 1st of said chapter 313 are situated.

Towns to have control over swamp lands.

SECTION 3. The several towns in the county of Portage, in which any part of said swamp lands are situated, shall have the same control over them and the funds arising from the sale thereof, as is by general law provided for the distribution of swamp land funds among the several towns in this state.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 22, 1877.]

## CHAPTER 249.

AN ACT relating to the establishment and aid in the maintenance of free high schools, and amendatory of chapter 323, of the laws of 1875.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Chapter 323, of the laws of 1875, is hereby amended by adding thereto a section numbered

17, that shall read as follows: Section 17. Every free high school heretofore organized and established in this state, upon complying with the provisions of said act so far as applicable, making through the secretary or other proper officer of the board or officers having the management and control of the affairs of such high school, a report in writing to the superintendent of public instruction on or before the tenth day of October in any year, of such facts relating to such high school as said superintendent shall require, which shall include the number of weeks such high school has been maintained during the previous year, the whole amount expended for its support during such year, the amount paid for instruction therein, the number of pupils attending the same, and also the average attendance, shall thereupon be entitled to share in and to have all the benefits and advantages conferred by this chapter upon high schools established under this act, and if such high school not established under this act, has been maintained for at least thirteen weeks in such year it shall be entitled to receive from the state one half the amount actually expended for instruction in said school, not, however, exceeding five hundred dollars in any one year, to any such high school or schools; *provided, however*, that in case such high school district contains a larger population than three thousand, to be determined by the last national or state census, it shall be entitled to receive at the rate of one hundred dollars for each additional three thousand of such population; *and provided further*, that no such high school district shall be entitled to such aid, unless the appropriation or expenditure for such high school has been exclusive of the amounts required to be expended for common school purposes; and the superintendent of public instruction shall carefully examine such reports, and he and the secretary of state shall take such action in behalf of and concerning the same, and such high school or schools, as is required of them respectively by the provisions of section thirteen, of this chapter, concerning high schools created or organized under the authority of this act, and all cities which embrace two or more school districts or parts of districts organized and governed as districts are in towns shall be entitled to all the privileges conferred upon towns and upon the districts therein by section 2 of said chapter 323 of the general laws of 1875.

**Free high schools to have full benefit of act on making report.**

**When high school entitled to money from the state.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

[*Published March* 16, 1877.]

## CHAPTER 250.

AN ACT to amend section 16 of chapter 130 of the general laws of 1868, entitled "An act to provide for the assessment of property for taxation, and the levy of taxes thereon."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section sixteen of chapter one hundred and thirty of the general laws of 1868, is hereby amended by inserting after the word "view," in the second line, the following: "In towns containing one hundred and eight square miles or less; but in towns that contain more than one hundred and eight square miles, real property shall be assessed either from actual view or the best information that the assessor can practically obtain, except improved lands, which shall be assessed from actual view," so that said section, when amended, will read as follows: "Section 16. Real property shall be valued by the assessor from actual view, in towns containing one hundred and eight square miles or less; but in towns containing more than one hundred and eight square miles, real property shall be assessed either from actual view or the best information that the assessor can practically obtain, except improved lands, which shall be assessed from actual view, at the full value which could ordinarily be obtained therefor at private sale, and which the assessor shall believe the owner, if he desires to sell, would accept in full payment. In determining the value, the assessor shall consider as to each piece, its advantage or disadvantage of location, quality of soil, quantity and quality of standing timber, water privileges, mines, minerals, quarries, or other valuable deposits known to be available therein, and all buildings, fixed machinery and improvements of every description thereon, and their value. Real property held under lease from any religious, scientific, literary, or benevolent association, but otherwise exempt, shall be assessed to the lessee. The assessor having fixed the value, shall enter the same opposite the proper tract in the assessment roll. Property omitted from assessment the previous year by mistake, shall be entered twice, designating one entry as omitted for the year 18—: *provided*, that this act shall not be construed to apply to lands containing iron ore.

When assessor to value property from actual view.

How value to be determined.

SECTION 2. All acts and parts of acts, contravening the provisions of this act, are hereby repealed. **Repealed.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 16, 1877.]

## CHAPTER 251.

**AN ACT relating to the Sturgeon Bay and Lake Michigan ship canal, and to amend chapter 365, of the private and local laws of 1864, entitled "An act to incorporate the Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company," approved April 2nd, 1864.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter 365, of the private and local laws of the year 1864, entitled "An act to incorporate the Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company," approved April 2, 1864, is hereby amended by inserting between sections seven and eight of said chapter the following sections: **Amended.**

SECTION 2. It shall be lawful for said company, its officers, engineers, contractors, and agents to enter upon, take possession of, and use, any lands not exceeding 800 feet in width along the line of the route of said canal, and also all other lands adjacent to the line of said canal, or beyond the termini thereof, as the egineer of said company shall certify to the president of said company to be necessary to the construction, use, or operation of said canal, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter provided; and when such compensation shall have been paid or tendered, the title to such lands shall vest in said company, in fee simple, and the said company shall have the right to hold the same; and whenever, in the opinion of the company, the same or any part thereof shall no longer be necessary for the purposes for which the same was taken, the said company is hereby authorized to lease or sell the same, or any part thereof, in fee simple. **Authority of company to take land necessary for construction of its works.**

SECTION 3. Said company may apply, by it attorney, to the judge of any circuit court of this state, and it **Appointment of commissioners to view and ap-**

praise lands to be taken.

shall be lawful for said judge, on the application of said company, as aforesaid, either in term time or vacation, and at the cost of said company, to appoint three disinterested persons residing in the county where the lands are situated, not of kin to the owner or owners thereof, whose duty it shall be to view and examine any lands so taken by the said company in said county, with the buildings and improvement, if any, thereon, and to estimate the value of said lands so taken or required by said company, and all damages which the owner or owners thereof shall sustain by reason of the taking of the same for the construction and use of said canal, or works appertaining thereto, taking into consideration the advantages, as well as the disadvantages, by reason of the construction and operation of the canal, to the owner or owners. And when said commissioners are so appointed, they shall act in all cases arising in said county and requiring the action of commissioners, whenever said company shall not agree with the owner or owners of said land; but if, for any cause, any or all of said commissioners shall become disqualified to serve, or their place or places become vacant, such vacancy or vacancies may be filled in the same manner that the original appointment was made.

Notice of application to be given by company.

SECTION 4. And it shall be the duty of said company to give two weeks' notice of their application to a judge of the circuit court for the appointment of said commissioners, to be published for two successive weeks, at least once a week, in a newspaper published in the county in which the lands are situated, and the affidavit of the printer or publisher shall be legal evidence of such publication.

Commissioners to take oath.

SECTION 5. The persons so appointed as commissoners, before entering upon the discharge of their duties, shall take an oath before some notary public or justice of the peace or other person competent to administer oaths, that they will faithfully, and according to the best of their ability, examine the land or lands so taken or required by said company, and impartially estimate and appraise the value of the same, and the damages or injuries which the owner or owners of each piece or parcel thereof shall have sustained by the reason of the taking and using thereof by said company, over and above the benefits and advantages which said owner or owners of each piece or parcel derive from the construction and operation of said canal.

How commissioners to pro-

SECTION 6. When thus qualified, said commissioners shall proceed to examine the premises and ascertain the

alue of such land and the amount of the damages, if ny, over and above the advantages which may accrue o such owner or owners as aforesaid, and shall make report to the clerk of court in writing, under their ands and seals of such valuation and damages, and hall deliver the same within fifteen days after their ap- raisal to the clerk of the circuit court where said com- nissioners were appointed, who shall file the same; nd in case no appeal is made within twenty days after he filing of said report as hereinafter provided, then he said clerk shall proceed to record the same at the xpense of said company, and judgment of said court hall be entered thereon for the amount of such valua- tion and damages, either in term time or vacation, on motion of either party; *provided*, that either party may appeal to the circuit court of the county in which said report shall have been filed, within twenty days after the filing of said report, and such appeal shall be tried in the same manner as other issues are tried in said court; and the jury empannelled to try the same shall find the value of said lands so taken or required by said company, and the damages which the owner or owners thereof shall have or may sustain by the taking of the same, over and above the benefits and advanta- ges which will accrue to the owner or owners from the construction of such canal, and judgment of the court shall be entered accordingly.

ceed in viewing and appraising lands.

Appeal to circuit court.

SECTION 7. Such appeal shall be taken by giving notice thereof to the clerk of said court in writing, and thereupon he shall enter the same upon the docket of said court, setting down said canal company as defend- ant, and the claimant or claimants as plaintiffs; *provided*, that it shall not be lawful for the said commissioners or the said court to proceed in the assessment of the dam- ages or valuation of the land or material, in the ab- sence of the owner or owners thereof, his, her or their agents or attorneys, unless it shall be shown to them by competent proof that the said owner or owners are absent from the state of Wisconsin, or that at least five days notice, in writing, of the time and place where such assessment or valuation was to be made, was served personally on said owner or owners, or by leaving the same at the last and usual place of resi- dence with some person of suitable age and discretion, and if said owner or owners shall be minors, or *non compos mentis*, the service of such notice may be made on their guardian or trustee, if there be any, or in such manner as the judge shall direct; and if said owner or

How appeal to be taken.

When not law- ful to proceed in assessment.

How notice to be served.

owners shall be non-residents or absent from the state, or his residence unknown, the service of such notice may be made by publishing the same in a newspaper published in said county for two successive weeks; *provided*, that upon the making and filing of any report as aforesaid, and the payment or legal tender of the amount of any valuation or damages specified therein, to the owner or owners of such lands, his, her or their legal representatives, or the payment of the amount as aforesaid to the clerk of said court, when any appeal under this act may have been taken, to abide the issue of such appeal, the said company, their agents or contractors, for making and repairing such canal, may immediately take and use the lands without awaiting the issue of any appeal brought thereon; and when such tender is not accepted, the said amount specified in the judgment or report, when not appealed from within the time limited, may be deposited with the clerk of said court, to be paid over on the order of the attorney of said company to the party rightfully entitled thereto, and thereupon said lands shall vest in said company in fee simple, and said company shall not be liable to any concerning the same.

Costs payable by company.

SECTION 8. The costs of any proceeding and judgment specified in this act, shall be paid by said company, except when upon appeal the verdict of the jury shall be for the same amount, or less, than that reported by the commissioners.

SECTION 9. This act shall be in force from and after its passage.

Approved March 8, 1877.

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[*Published March* 16, 1877.]

## CHAPTER 252.

AN ACT to amend chapter 152, general laws of 1872, entitled "An act to authorize the county board of supervisors in the several counties of this state to levy a special tax for county road purposes," and to amend chapter 229, laws of 1874.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 1 of chapter 152 of the general laws of 1872, is hereby amended so as to read as fol-

ows: Section 1. The board of supervisors of the several counties of this state are hereby authorized to levy and raise annually, upon the taxable property of said counties, a special county road and bridge tax, to be expended in building and repairing roads and bridges in and through said counties as hereinafter provided; *provided*, that the said supervisors shall not levy a greater sum than eight thousand dollars in any one year.

Authority of county board to levy special road taxes.

SECTION 2. Section 1 of chapter 229 of the laws of 1874, is hereby amended by striking out the words "two per centum," where they occur in the fifth line of said section, and inserting in lieu thereof, five mills on a dollar, so that when said section is so amended it will read as follows: Section 2. Any county, town, city or village bordering upon any of the navigable rivers of this state, or meandered streams or rivers, is hereby authorized to vote and levy a tax not to exceed five mills on a dollar upon the assessed valuation of the property in such county, town, city or village as the same appears from the last assessment roll or rolls in said county, town, city or village, for the purpose of building, erecting, constructing or maintaining a bridge across such navigable or meandered stream or river, or for the purpose of aiding in the construction, building and maintaining such bridge.

Amended.

Counties, towns, cities and villages may levy taxes for bridge purposes.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

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[*Published March* 16, 1877.]

## CHAPTER 253.

AN ACT to amend chapter 127 of the laws of 1874, entitled "An act to incorporate the city of Menasha," and as amended by chapter 343, of the laws of 1875.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 11 of chapter 6 of said chapter 127, of the laws of 1874, as amended by section 9 of chapter 343 of the laws of 1875, is hereby amended by adding to the end of said section 9 the following: *And provided further*, that whenever the common council of said city shall pass a resolution to purchase or take up

Amended.

City may levy special tax to take up bonded indebtedness.

any of aforesaid bonded indebtedness before the same shall become due, as herein provided, and such resolution shall have been submitted to a vote of the qualified electors of said city, as provided in this section, and the same shall be passed so as to authorize said city to purchase or take up any such bonded indebtedness before the same shall become due, then the common council of said city may levy a special tax or taxes to pay the same, according to the terms of the purchase or compromise so made and accepted, in any year when any portion shall become due, and which special tax or taxes may be levied at any time, and shall be levied and assessed upon the last equalized assessment of the real and personal property of said city previous to the levying of any such special tax. And immediately thereafter the clerk of said city shall assess and make out upon a tax roll made from such assessment, such tax in the same manner as provided by law for the assessing, calculating and making out taxes in other cases. And upon completion of said tax roll, the said clerk shall immediately make out a duplicate copy of such tax lists or roll, to which shall be appended a warrant as provided in and by the charter of said city, so far as the same shall be applicable, signed by the mayor and clerk of said city, and sealed with the corporate seal of said city, and shall deliver such tax list and warrant to the treasurer of said city, and thereupon such treasurer shall at once proceed to collect the taxes and assessments specified and made out in such tax list, in the same manner as provided for the collection of taxes in other cases, and shall be possessed of the same powers and rights, and he shall have for collecting such taxes one per cent. for ten days from the date of warrant, and two per cent. afterwards. Such warrant shall be returnable to the county treasurer of Winnebago county in forty days from its date, and at the expiration of such time, the treasurer of said city shall return such tax list and warrant to said county treasurer, with a list of all lands, lots and personal property upon which the taxes have not been paid, with the taxes assessed thereon; and all such taxes not then collected and so returned to the county treasurer as aforesaid, shall draw interest after such return at the rate of twenty per cent. per annum, up to the day of the sale of lands for taxes; and *provided*, that any such tax may be paid prior to such sale, by paying the amount of such tax with interest at the rate of twenty per cent. per annum, and two per cent. for

Duty of city clerk in making assessment.

collection, and all costs thereon to that date; and the county treasurer shall possess the same powers and rights in collecting such taxes so returned as in other cases, and shall proceed to advertise and sell all lands on which such taxes shall remain unpaid, at the same time and in the same manner and with the same effect as provided by law for the sale of lands for taxes; and all such taxes returned to the county treasurer and collected by him, shall be by him paid over to the treasurer of said city, with the interest collected thereon. Duty of city treasurer.

SECTION 2. Anything contained in said chapter 127 of the laws of 1874, or said chapter 343 of the laws of 1875, conflicting with the foregoing amendments, are hereby repealed, so far as they may conflict with the foregoing provisions. Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March 26, 1877.*]

## CHAPTER 254.

AN ACT to provide for levying a state tax for the year 1877.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There shall be and is hereby directed to be levied upon the taxable property of the state a state tax for the year of our Lord one thousand eight hundred and seventy-seven, of two hundred and sixty-three thousand eight hundred and seventy-five dollars, in addition to the amounts authorized to be levied by existing laws. Said tax shall be apportioned and certified by the secretary of state to the several counties, and by the clerks of the several counties to the several towns, cities and incorporated villages in their respective counties, and shall be collected and paid over according to existing laws. Levy of taxes for state purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

[*Published March* 15, 1877.]

## CHAPTER 248.

AN ACT relating to swamp lands in certain locality. To repeal chapter 313 of the private and local laws of 1869, entitled "An act to authorize the use of money arising from the sale of certain swamp and overflowed lands in the county of Portage, for drainage purposes," and to amend chapter 537 of the laws of 1865, relating thereto, and also to repeal chapter 105 of the private and local laws of 1875, entitled "An act to amend chapter 313 of the private and local laws of 1869."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Chapter 313 of the private and local laws of 1869, and chapter 105 of the private and local laws of 1875, are hereby repealed.

Moneys to be paid to towns in which swamp lands are situated.

SECTION 2. All moneys now under the control of the commissioners appointed by said chapter 313 and all moneys which are by them receivable from any source arising from sales of swamp lands since the 4th day of March, 1875, shall within thirty days after the passage and publication of this act be paid over by the treasurer of said commissioners to the towns in which the swamp lands described in section 1st of said chapter 313 are situated.

Towns to have control over swamp lands.

SECTION 3. The several towns in the county of Portage, in which any part of said swamp lands are situated, shall have the same control over them and the funds arising from the sale thereof, as is by general law provided for the distribution of swamp land funds among the several towns in this state.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 22, 1877.]

## CHAPTER 249.

AN ACT relating to the establishment and aid in the maintenance of free high schools, and amendatory of chapter 323, of the laws of 1875.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Chapter 323, of the laws of 1875, is hereby amended by adding thereto a section numbered

17, that shall read as follows: Section 17. Every free high school heretofore organized and established in this state, upon complying with the provisions of said act so far as applicable, making through the secretary or other proper officer of the board or officers having the management and control of the affairs of such high school, a report in writing to the superintendent of public instruction on or before the tenth day of October in any year, of such facts relating to such high school as said superintendent shall require, which shall include the number of weeks such high school has been maintained during the previous year, the whole amount expended for its support during such year, the amount paid for instruction therein, the number of pupils attending the same, and also the average attendance, shall thereupon be entitled to share in and to have all the benefits and advantages conferred by this chapter upon high schools established under this act, and if such high school not established under this act, has been maintained for at least thirteen weeks in such year it shall be entitled to receive from the state one half the amount actually expended for instruction in said school, not, however, exceeding five hundred dollars in any one year, to any such high school or schools; *provided, however*, that in case such high school district contains a larger population than three thousand, to be determined by the last national or state census, it shall be entitled to receive at the rate of one hundred dollars for each additional three thousand of such population; *and provided further*, that no such high school district shall be entitled to such aid, unless the appropriation or expenditure for such high school has been exclusive of the amounts required to be expended for common school purposes; and the superintendent of public instruction shall carefully examine such reports, and he and the secretary of state shall take such action in behalf of and concerning the same, and such high school or schools, as is required of them respectively by the provisions of section thirteen, of this chapter, concerning high schools created or organized under the authority of this act, and all cities which embrace two or more school districts or parts of districts organized and governed as districts are in towns shall be entitled to all the privileges conferred upon towns and upon the districts therein by section 2 of said chapter 323 of the general laws of 1875.

**Free high schools to have full benefit of act on making report.**

**When high school entitled to money from the state.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

action wherein the state of Wisconsin was plaintiff, and A. C. Miller defendant.

Appropriation. SECTION 3. There is hereby appropriated, from the general fund, out of any money not heretofore appropriated, to Henry C. Sibree, the sum of $27.16 costs, in an action wherein the state of Wisconsin was plaintiff, and Henry C. Sibree defendant.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 14, 1877.]

## CHAPTER 243.

AN ACT to appropriate to the Wisconsin State Agricultural Society a sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation. SECTION 1. There is hereby appropriated to the Wisconsin State Agricultural Society, out of any money in the general fund not otherwise appropriated, the sum of two thousand dollars, for the promotion and advancement of the industrial interests of the state; *provided*, that no greater sum than one thousand dollars per annum shall be paid as salary to the secretary of said society.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 244.

AN ACT authorizing and directing the secretary of state to order the binding of the reports of the railroad commissioner.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority of secretary of SECTION 1. The secretary of state is hereby authorized and directed to order and procure the binding, in

a substantial manner, in cloth, of three hundred copies of the report of the railroad commissioner, for the use of the commission, in distribution and exchange for other similar reports from other states and countries, for the year 1876, and the same number annually thereafter; *provided*, that the cost of such binding shall not exceed twenty-five cents per copy.

State to procure binding of railroad reports.

SECTION 2. There is hereby appropriated out of the general fund a sufficient sum to pay for the binding of said reports of 1876, and annually thereafter.

Appropriation.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

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[*Published March* 19, 1877.]

## CHAPTER 245.

AN ACT to distribute more equally the burdens of taxation in certain counties in this state.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. On or before the fifteenth day of August in each year, it shall be the duty of the West Wisconsin railway company, and it is hereby directed to prepare a duly certified statement or list of lands owned by said railway company in each of the several counties wherein said lands are located, and which were exempt from taxation on the first day of August of said year, under the provisions of chapter 104, of the general laws of 1870, approved March 16th, 1870. The list or statement required by this act shall specify the name of the county in which said lands exempt as aforesaid are located, also the description of each tract, showing the section. township and range, together with the number of acres in each tract so described, and the gross number of acres exempt, as aforesaid, in each county.

Duty of West Wisconsin Railroad Company to prepare list of lands.

SECTION 2. The said railway company shall, on completion of the statement or list of lands exempt from taxation, required by section one of this act, immediately transmit the said statement or a copy of the same to the state treasurer to be filed in his office, for

Statement of lands to be sent to state treasurer.

of chapters sixteen (16) and thirty-two (32) of the general laws of 1867.

Appropriation.

SECTION 3. There is hereby appropriated out of the general fund a sum sufficient to pay for the dictionaries above provided for.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 22, 1877]

## CHAPTER 233.

AN ACT relating to the capital of fire and inland navigation insurance companies [of] other states and of foreign governments, desiring to transact business in this state.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Requirements of insurance companies.

SECTION 1. No fire or inland navigation insurance company organized or incorporated under the laws of any other state of the United States or of any foreign government, shall hereafter be admitted to transact business in this state, unless possessed of a paid up capital of two hundred thousand dollars; *provided, however*, that the provisions of this act shall not apply to any company that was duly licensed to transact business in the state during the year 1876, and that has or shall have complied with the requirements of law relative to obtaining a license for the present year; *and provided*, that mutual companies of other states may be admitted to transact business in this state, in case the states where such mutual companies are located, admit the mutual companies of this state, by complying in all respects with the conditions and obligations imposed by the laws of such states on the mutual companies of this state.

Provisions not to apply to companies already admitted, nor to mutual companies in certain cases.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

[*Published March* 19, 1877.]

## CHAPTER 234.

**AN ACT to require Christian Burkhardt, his heirs and assigns, to sluice logs through a certain dam on Willow river now owned by him, and to authorize the collection of tolls for such sluicing.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Christian Burkhardt, his heirs and assigns, are hereby required to maintain suitable sluices in the dam now owned and maintained by him on Willow river, in the county of St. Croix, in this state, and to sluice through said sluices as provided in section 14 of chapter 302, of the private and local laws of this state for the year 1864, entitled "An act to incorporate the Willow River Dam Company," approved April 1st, 1864, all logs or timber being driven down the said Willow river above said dam; *provided*, that notice of the desire to have logs sluiced through said dam shall be given as in said section 14 provided. **Suitable sluices in dam required**

SECTION 2. The said Christian Burkhardt, his heirs and assigns, are hereby authorized to demand, receive, sue for and collect from the owner or owners of logs so sluiced through said dam as a compensation for the services rendered, in so sluicing said logs, the sum of fifteen cents per thousand feet, board measure, for all logs sluiced through the same which amount shall be and remain a lien upon the logs so sluiced, and which lien may be enforced in the same manner as the lien of laborers on logs is enforced under the provisions of chapter 154, of the general laws of the state for the year 1862, and the acts amendatory thereof. **Rates of toll.**

SECTION 3. The franchise hereby granted shall continue for the period of ten years. **Limitation of franchise.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

[*Published March* 15, 1877.]

## CHAPTER 235.

AN ACT to require service of notice of application for tax deeds in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Notice of pendency of action for foreclosure of mortgage to be filed in office of register of deeds.

SECTION 1. In all actions brought in any court for the foreclosure of a mortgage on real property, if due notice of the pendency of such action shall be filed in the office of the register of deeds of the proper county, and the plaintiff or his attorney in such action shall file a notice of the pendency of such action with the county clerk of such county; and the said county clerk shall note upon the books of tax sales in his office, opposite all tax certificates upon such real property the fact of such filing, and thereafter no person shall receive any tax deed upon any tax certificate upon the land described in such notice of pendency of action, without giving notice in writing to the plaintiff or his attorney of application for such deed, at least thirty days before receiving such deed, and any deed issued in violation of this act shall be void.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 236.

AN ACT to authorize James Hewitt to maintain a dam across Wedge's Creek, in Clark county, Wisconsin.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to maintain dam.

SECTION 1. James Hewitt, his heirs and assigns, are hereby authorized to maintain and keep up a dam across Wedge's Creek, in Clark county, Wisconsin, at a point on said creek at or near Hewittville, in section ten, township number twenty-four (24) north, of range three (3) west, of the fourth (4th) principal meridian, for the purpose of facilitating the running and driving of logs to Black river.

SECTION 2. The said James Hewitt, his heirs and assigns, shall maintain and keep in repair suitable slides and gates in said dam for flooding purposes, and for the purpose of sluicing and driving logs over, through and beyond said dam into Black river, and shall keep the same in repair, and shall hold the water back for the above named purpose whenever the case may require, and for that purpose said gates shall be closed. Requirements of incorporator.

SECTION 3. The aforesaid James Hewitt, his heirs and assigns, shall enjoy the privileges granted in this act for the term of fifteen years from and after the passage of this act. Limit of franchise.

SECTION 4. The said James Hewitt, his heirs and assigns, are hereby authorized and empowered to receive and collect from the owners of all logs passing over such slides, or driven by the aid of said dam, as a compensation for keeping up and maintaining such dam, the sum of ten cents per thousand feet, board measure, on all logs passing over such slides, and the aforesaid James Hewitt, his heirs and assigns, shall have a lien on all logs run over said dam, or driven by the aid thereof, until the aforesaid charges shall be fully paid, which lien shall be enforced in the same manner in which other liens for labor and services upon logs are enforced in Clark county, Wisconsin. Rates of toll.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[*Published March* 20, 1877.]

## CHAPTER 237.

**AN ACT to codify and amend the laws of this state relating to garnishee and garnishee proceedings.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 2 of chapter 53 of the general laws of 1869, is hereby amended so as to read as follows: Section 2. If the original defendant in any garnishee proceeding in a court of record shall desire to discharge, the person or corporation garnisheed from liability, except in garnisheement on execution, he may file with the clerk of the court where the action is Amended. How original defendant to secure discharge from garnishee proceeding.

pending, a written undertaking in double the amount of indebtedness stated in the affidavit for attachment, when an attachment has been issued, or in double the amount of indebtedness stated in the complaint duly verified, when such complaint has been served on the defendant with at least two sureties, who are freeholders and residents of this state, who shall justify that they are worth in the aggregate double the amount specified in such undertaking, over and above all debts, liabilities, and property exempt by law from execution, conditioned to pay the plaintiff the amount of the judgment, if any, which the plaintiff may recover in the action against the defendant, and serve a copy thereof with the justification of such sureties, and notice of the time of filing the same, and of the residence of such sureties, upon the plaintiff or his attorney; *provided, however*, that the plaintiff may except to the sufficiency of the sureties, within the same time, and in like manner as upon bail or arrest, and a failure so to except shall be deemed an acceptance of the undertaking and a discharge of the garnishee.

Proviso.

Repealed.

SECTION 2. Sections 1 and 5 of said chapter 53, of the general laws of 1869, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

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[*Published March* 23, 1877.]

## CHAPTER 238.

AN ACT relating to evidence and amendatory of section 2, of chapter 134, of the general laws of 1858.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 2, of chapter 134, of the general laws of 1858, entitled "Of evidence," is amended so as to read as follows: A party to any civil action or special proceeding in any and all courts and before any and all tribunals and before any and all officers acting judicially may be examined as a witness in his own behalf or in behalf of any other party in the same manner and subject to the same rules of examination as any other witness; *provided*, that the assignor of a thing in action shall not be examined on behalf of said

When party may be heard as witness in his own behalf.

Proviso.

party, nor shall a party to an action be examined in his own behalf in respect to any transaction or communication had personally by said assignor or said party respectively with a deceased person against parties who are the executors, administrators, devisees, heirs at law, next of kin or assignees of such deceased person where they have acquired title to the cause of action from or through such deceased person, or have been sued as such by the executors, administrators, devisees, next of kin or assignees, but when such executors, administrators, devisees, heirs at law, next of kin or assignees shall be examined on their own behalf in regard to conversations or transactions had between the deceased person or said assignor or said party respectively, and where the cause of action or defense arose out of transactions with an agent of the deceased, and not with the deceased personally, and such agent be living and a witness, then the said assignor, or the said party may be examined in regard to such conversation or transaction, but not in regard to any other matter; *and be it further provided*, that whenever in any action brought by or against any executor, administrator, devisee, next of kin heirs at law or assignee of any deceased person, a witness shall be called to establish any declaration, conversation, admission or transaction between such witness and the party prosecuting or defending in his own right, then and in all such cases such party so sought to be charged may be examined in his own behalf touching such declaration, conversation, admission or transaction the same as he might have been had the opposite party brought or defended the action in his own right and not in a representative capacity, but not in regard to any new matter; but if the testimony of a party to the action or proceeding has been taken, and shall afterwards die, and after his death the testimony so taken shall be used upon any trial or hearing in behalf of his executors, administrators, devisees, heirs at law, next of kin or assignees, the other party or the assignor of a thing in action shall be a competent witness as to any and all matters to which the testimony so taken relates, notwithstanding any thing in this section to contrary therefore. Proviso.

SECTION 2. Chapter 176, of the general laws of 1868, is hereby repealed. Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

[*Published March* 15, 1877.]

## CHAPTER 239.

AN ACT to amend section 1, chapter 329, laws of Wisconsin of 1876, entitled "An act to authorize the county of Burnett to build and maintain a free bridge across the St. Croix river, in township 38 north, range 20 west."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one, of chapter three hundred and twenty-nine, of the laws of Wisconsin of 1876, is hereby amended by striking out the words "thirty-eight." where they occur in the third line of said section, and inserting in lieu thereof the words "townships thirty-seven or thirty-eight," so that said section, when amended, will read as follows: Section 1. The county of Burnett is hereby authorized to erect and forever maintain a free bridge across the St. Croix river, in townships thirty-seven or thirty-eight north, of range twenty west; *provided*, the total cost of building and completing said bridge shall not exceed five thousand dollars; *and provided, further*, that nothing herein shall be held or construed to authorize any impeding or obstruction of the free navigation of the St. Croix river for logs and lumber.

Authority to erect free bridge.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

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[*Published March* 22, 1877.]

## CHAPTER 240.

AN ACT to amend section 1, of chapter 360, laws of Wisconsin of 1876, entitled "An act to prevent the hunting of deer with dogs."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 1, of chapter 360, laws of Wisconsin of 1876, entitled "An act to prevent the hunting of deer with dogs," is hereby amended by adding to said section the following words: *Provided*, that the

provisions of this act shall not apply to the counties of Ashland, Douglas and Bayfield.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 241.

AN ACT to appropriate to Ira F. Kilmer a sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to Ira F. Kilmer out of any money in the general fund, not otherwise appropriated, the sum of five dollars, as extra pay for services as soldier in the late war, as originally contemplated by chapter 8, laws of 1861, extra session, and chapter 112, laws of 1862. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 242.

AN ACT to appropriate to A. C. Millard, H. B. Palmer and Henry C. Sibree, a sum of money therein named.

*The people of the state of Wisconsin, represented in senate ond assembly, do enact as follows:*

SECTION 1. There is hereby appropriated, from the general fund, out of any money not heretofore appropriated, to H. B. Palmer, the sum of $29.53 costs, in an action, wherein the state of Wisconsin was plaintiff, and H. B. Palmer defendant. Appropriation.

SECTION 2. There is hereby appropriated, from the general fund, out of any money not heretofore appropriated, to A. C. Miller, the sum of $26.61 costs, in an Appropriation.

action wherein the state of Wisconsin was plaintiff, and A. C. Miller defendant.

Appropriation. SECTION 3. There is hereby appropriated, from the general fund, out of any money not heretofore appropriated, to Henry C. Sibree, the sum of $27.16 costs, in an action wherein the state of Wisconsin was plaintiff, and Henry C. Sibree defendant.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 14, 1877.]

## CHAPTER 243.

AN ACT to appropriate to the Wisconsin State Agricultural Society a sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation. SECTION 1. There is hereby appropriated to the Wisconsin State Agricultural Society, out of any money in the general fund not otherwise appropriated, the sum of two thousand dollars, for the promotion and advancement of the industrial interests of the state; *provided*, that no greater sum than one thousand dollars per annum shall be paid as salary to the secretary of said society.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 244.

AN ACT authorizing and directing the secretary of state to order the binding of the reports of the railroad commissioner.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority of secretary of SECTION 1. The secretary of state is hereby authorized and directed to order and procure the binding, in

a substantial manner, in cloth, of three hundred copies of the report of the railroad commissioner, for the use of the commission, in distribution and exchange for other similar reports from other states and countries, for the year 1876, and the same number annually thereafter; *provided*, that the cost of such binding shall not exceed twenty-five cents per copy.

State to procure binding of railroad reports.

SECTION 2. There is hereby appropriated out of the general fund a sufficient sum to pay for the binding of said reports of 1876, and annually thereafter.

Appropriation.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

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[*Published March* 19, 1877.]

## CHAPTER 245.

AN ACT to distribute more equally the burdens of taxation in certain counties in this state.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. On or before the fifteenth day of August in each year, it shall be the duty of the West Wisconsin railway company, and it is hereby directed to prepare a duly certified statement or list of lands owned by said railway company in each of the several counties wherein said lands are located, and which were exempt from taxation on the first day of August of said year, under the provisions of chapter 104, of the general laws of 1870, approved March 16th, 1870. The list or statement required by this act shall specify the name of the county in which said lands exempt as aforesaid are located, also the description of each tract, showing the section, township and range, together with the number of acres in each tract so described, and the gross number of acres exempt, as aforesaid, in each county.

Duty of West Wisconsin Railroad Company to prepare list of lands.

SECTION 2. The said railway company shall, on completion of the statement or list of lands exempt from taxation, required by section one of this act, immediately transmit the said statement or a copy of the same to the state treasurer to be filed in his office, for

Statement of lands to be sent to state treasurer.

the use of said state treasurer as hereinafter provided by this act.

**Railroad company to prepare list, showing number of acres of land exempt in each county.**

SECTION 3. The said railroad company shall prepare, or cause to be prepared, a duly certified statement or list containing the number of acres of land owned by the said West Wisconsin Railway Company and exempt from taxation as aforesaid, in every county wherein the lands so exempt are located, and transmit said statement or list, on or before the fifteenth day of August in each year, to the county treasurer of such county, to be filed in his office for the use of the said county treasurer as hereafter provided by this act. The statement or list required by this section for each county shall correspond with or be a duplicate of that portion of the statement or list transmitted to the state treasurer relating to such county.

**Duty of state treasurer to apportion license fees to counties.**

SECTION 4. On the receipt of said certified statement or list of lands from the said railway company required by section one of this act, it shall be the duty of the state treasurer, and he is hereby directed to apportion to the several counties where the lands exempt as aforesaid, are located, so much of the license fees or tax upon gross earnings paid into the state treasury, during the preceding year, by the West Wisconsin railway company, as shall amount to a sum not exceeding two and a half cents per acre upon the lands of said company exempt from taxation in said county. The sum that each county is entitled to receive by this apportionment shall be transmitted to the county treasurer of such county on or before the fifteenth day of September of said year; *provided, however*, that no county in which any of the lands of said company are situated shall be entitled to receive any money under the provisions of this act in which the lands of said company shall be assessed and sold for the non-payment of taxes, or which shall, after the passage of this act, enforce or seek to enforce the collection of any tax or taxes on such lands heretofore or hereafter levied.

**Duties of county treasurers to apportion license fees to towns.**

SECTION 5. The county treasurer of each county, on the receipt of the sum thus apportioned by the state treasurer, shall proceed forthwith to apportion the same to the several towns in such county, in the same proportionate part of said sum, which the lands exempt from taxation in each town shall bear to the entire number of acres in such county, as contained in the certified statement or list of lands transmitted to the county treasurer of each county by the railway company, as required by section three of this act.

SECTION 6. The county treasurer, after making the apportionment, shall transmit to the town treasurer of each town, without delay, the sum said town is entitled to receive under this apportionment, which shall be by him placed in the treasury of said town as a part of the general fund, to be expended for town purposes under the same restrictions that now exist in regard to the expenditure of the general fund of towns. How license fees to be applied by towns.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 16, 1877.]

## CHAPTER 246.

AN ACT to amend chapter 130, general laws of 1868, entitled "An act to provide for the assessment of property for taxation and the levy of taxes thereon."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 25, of said chapter 130, general laws of 1868, is hereby amended so as to read as follows: Section 29. The assessors shall lay before the board of review their assessment roll of the real property and all sworn statements made by others, and valuations made by them of personal property and bank stock. The board shall, under their official oaths, carefully review and examine said roll and statements, and all valuations of real or personal property and bank stock, and shall correct any errors apparent in description of property or otherwise, and for that purpose they are hereby required to hear and examine any person or persons upon oath who shall appear before them, in relation to the assessment of any property upon said roll, or in relation to any property omitted therein; and such examination shall be reduced to writing by the clerk and carefully preserved on file in his office, and if it appear that any property has been valued by the assessor too high or two low, they shall increase or lessen the same to the true valuation, according to the rules for valuing property prescribed in this act. They shall determine the correct value of any bank stock which has been valued by any officer of any bank at one price, and by the assessor at a different price. Any person who thinks the aggregate valuation of his per- Amended. Duty of board of review in equalizing assessments.

Persons aggrieved may appear before board and testify as to value of property.

sonal property, as fixed by the board of assessors, too high, may appear before the board of review at their annual meeting, and under oath state the true aggregate valuation of all personal property upon which he is liable to taxation, according to the provisions of this act, and if the board of review shall be satisfied of the truth of such statements, the valuation so fixed by him shall be taken by the board of review as the true aggregate valuation of his personal property, and all such statements shall be reduced to writing by the clerk and carefully preserved in his office. The clerk shall keep a careful record of all changes made and valuations determined upon by the board of review: *provided, further*, that the said board of review shall and may, when satisfied from the evidence taken that the valuation of any property assessed is too high or too low on the assessment roll, raise or lower the same, as the case may be, whether the person assessed appears before them or not; and they may also place upon the said roll any property that they may know to be left off said roll by mistake or otherwise, and assess the same to the person to whom in right it should be assessed; *and provided further*, that in all cases if said board shall raise the amount of such assessment or [on] any property, or assess any property not on the assessment roll, the owner thereof, if a resident of such town, or his agent if a non-resident, shall be duly notified of such assessment in time, that such owner or agent may be heard before such board, in relation to the value thereof; *provided*, that the residence of such owner or agent shall be known to any member of said board.

SECTION 2. This act shall be in force from and after its passage.

Approved March 8, 1877.

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[*Published March* 20, 1877.]

## CHAPTER 247.

AN ACT relating to and amendatory of chapter 12, of the laws of 1873, entitled "An act to provide for the improvement of Yellow river for log driving purposes."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Chapter 12, of the laws of 1873, is hereby amended and re-enacted as amended so as to read

as follows: Section 1. For the purpose of improving that branch of the Chippewa river known as Yellow river, so as to facilitate and insure the driving and floating of logs and timber down and out of said river, it is hereby provided and enacted that Albert E. Pound, of Chippewa Falls, his associates and assigns are hereby authorized to erect side, rolling and floating dams, and to clear and straighten the channels in and upon said Yellow river, and to maintain and operate the same, together with such other work as may be necessary for the purposes herein named. In consideration for the improvements hereby authorized, and when the same shall be so constructed, including such works as have already been constructed, as to provide substantial and beneficial conveniences and facilities for readily and rapidly driving logs and timber out of said river with reasonable certainty, having reasonable regard for the character of the river, and the stage of water therein at the proper seasons, and so long as the same shall be so maintained as to accomplish such results, the said Albert E. Pound, his associates and assigns, shall be entitled to receive and collect the following tolls, to-wit: For and upon all logs and timber put in said river, not more than twenty miles from its mouth, designed to be run out of the same, seven cents per one thousand feet, board measure; for and upon all logs and timber put in said river beyond the distance of twenty miles and not more than fifty miles from its mouth, designed to be run out of the same, fifteen cents per thousand feet; for and upon all logs and timber put in said river beyond a distance of fifty miles from its mouth, designed to be run out of the same, twenty cents per thousand feet; the distance to be computed by the channel of the river, and the amount of said logs and timber to be determined by or under the direction of the lumber inspector for that district, or by the mutual agreement of parties. But it is expressly provided that this act shall confer on said Pound, his asssociates or assigns, no right to hold or detain any logs or timber other than his or their own, or such as they may be requested to hold by the owners thereof, at any place except such only as shall be subject to a lien for tolls or for charges for driving as provided in this chapter, and only so much or such part of such logs or timber subject to such liens as shall be reasonably and properly necessary to secure the payment of the amount due on account of such tolls and charges unpaid upon the same, with lawful costs,

**Authority to erect and maintain dams.**

**Rates of toll allowed to be taken.**

nor shall the said Pound, or his assigns have the right, by any such works or improvements, or otherwise, to hinder, delay, impede or obstruct the driving of any logs or timber, and it is further provided that the right to charge the tolls, in this section given, shall extend only for such distance upon said river above its mouth as the improvements of the character aforesaid shall have actually and properly been made and completed, and for no further or greater distance.

Authority to take possession of logs and timber.

SECTION 2. It shall be lawful for the said Albert E. Pound, his associates and assigns, after they shall have improved the said Yellow river in the manner, and to the extent hereinbefore required, whenever they shall make a drive of logs, to take possession of all logs and timber actually put in said river to be floated down and not remaining on roll-ways, and also of logs on roll-ways or banks, when and when only they shall obstruct the drive, the owners or agents of which logs in either case shall not have inadequate [made adequate] provisions for driving the same by furnishing the necessary men, teams and tools, either for breaking such roll-ways as aforesaid at the proper time, or for making a through drive of such logs and timber out of said river, and to drive the same down and out of said river, or down said river, to such point as the same shall be taken in charge of and driven by such owner or agent, with the necessary men and tools and shall be entitled to receive and collect for such service, for all logs and timber driven a distance of five miles and less than twenty miles, fifteen cents for each one thousand feet; for all logs and timber driven a distance of more than twenty miles, and less than forty miles, twenty-five cents for each one thousand feet; for all logs and timber driven forty miles or more, and less than sixty miles, forty cents for each one thousand feet; and for all logs and timber driven sixty miles or more, fifty-five cents for each one thousand feet, board measure; the distance of driving to be computed, and the amount of logs and timber so driven to be determined in the same manner as provided in section one of this act, and said Albert E. Pound, his associates or assigns, having so driven logs and timber down said river, may continue in possession of all such logs and timber so floated or driven out of said river, subject to the proviso in the first section contained, until all charges for tolls and driving the same have been liquidated or paid; and it is further provided that whenever any owner of logs, his agent or servants, shall be ready and desirous

Remuneration for driving logs.

to drive his logs on said river, and the said Pound, his associates or assigns, shall not have begun their drive, such owner, his agent or servants, may drive without delay his own logs, and shall have the same right to take possession of and drive logs, already floating in the stream, and such as shall obstruct his drive on the banks or roll-ways as is given in this section to said Pound and his associates and assigns, and shall have the same charges for such service and have the same lien to secure the same, subject to the lien of said Pound, his associates and assigns, for the tolls provided in section 1, which shall be transferred to such driver of logs, and added to his own lien for charges, when he shall have paid such tolls to said Pound, his associates or assigns; *provided*, that neither said Pound, or his associates or assigns, or any such driver of logs, shall have the right in any other case to take or drive logs, without previous agreement with the owner thereof or his agent; and in no case shall have the right to control any logs or timber, or charge for service in driving, after the owner, his agent or servants, shall have come upon the river properly prepared and equipped, with men and tools to drive his own logs, and shall properly continue to drive thereafter of his logs and timber, but may retain possession until the lien for services already rendered shall be discharged.

**Parties so desiring may drive their own logs.**

SECTION 3. For any tolls or charges herein provided, which shall remain due and unpaid, the said Albert E. Pound, his associates and assigns, shall have a lien on all logs and timber upon which such toll or charges, or any part thereof, shall remain unpaid, and may enforce the same in the same manner as other liens for labor and supplies are enforced by law.

**Lien upon logs for services.**

SECTION 4. This act shall take effect from and after its passage, but this act and all such acts as shall be passed amendatory thereof, shall be at all times subject to be altered, amended or repealed by the legislature.

**Act subject to amendment or repeal.**

Approved March 8, 1877.

[*Published March* 15, 1877.]

## CHAPTER 248.

AN ACT relating to swamp lands in certain locality. To repeal chapter 313 of the private and local laws of 1869, entitled "An act to authorize the use of money arising from the sale of certain swamp and overflowed lands in the county of Portage, for drainage purposes," and to amend chapter 537 of the laws of 1865, relating thereto, and also to repeal chapter 105 of the private and local laws of 1875, entitled "An act to amend chapter 313 of the private and local laws of 1869."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Chapter 313 of the private and local laws of 1869, and chapter 105 of the private and local laws of 1875, are hereby repealed.

Moneys to be paid to towns in which swamp lands are situated.

SECTION 2. All moneys now under the control of the commissioners appointed by said chapter 313 and all moneys which are by them receivable from any source arising from sales of swamp lands since the 4th day of March, 1875, shall within thirty days after the passage and publication of this act be paid over by the treasurer of said commissioners to the towns in which the swamp lands described in section 1st of said chapter 313 are situated.

Towns to have control over swamp lands.

SECTION 3. The several towns in the county of Portage, in which any part of said swamp lands are situated, shall have the same control over them and the funds arising from the sale thereof, as is by general law provided for the distribution of swamp land funds among the several towns in this state.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 22, 1877.]

## CHAPTER 249.

AN ACT relating to the establishment and aid in the maintenance of free high schools, and amendatory of chapter 323, of the laws of 1875.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Chapter 323, of the laws of 1875, is hereby amended by adding thereto a section numbered

17, that shall read as follows: Section 17. Every free high school heretofore organized and established in this state, upon complying with the provisions of said act so far as applicable, making through the secretary or other proper officer of the board or officers having the management and control of the affairs of such high school, a report in writing to the superintendent of public instruction on or before the tenth day of October in any year, of such facts relating to such high school as said superintendent shall require, which shall include the number of weeks such high school has been maintained during the previous year, the whole amount expended for its support during such year, the amount paid for instruction therein, the number of pupils attending the same, and also the average attendance, shall thereupon be entitled to share in and to have all the benefits and advantages conferred by this chapter upon high schools established under this act, and if such high school not established under this act, has been maintained for at least thirteen weeks in such year it shall be entitled to receive from the state one half the amount actually expended for instruction in said school, not, however, exceeding five hundred dollars in any one year, to any such high school or schools; *provided, however*, that in case such high school district contains a larger population than three thousand, to be determined by the last national or state census, it shall be entitled to receive at the rate of one hundred dollars for each additional three thousand of such population; *and provided further*, that no such high school district shall be entitled to such aid, unless the appropriation or expenditure for such high school has been exclusive of the amounts required to be expended for common school purposes; and the superintendent of public instruction shall carefully examine such reports, and he and the secretary of state shall take such action in behalf of and concerning the same, and such high school or schools, as is required of them respectively by the provisions of section thirteen, of this chapter, concerning high schools created or organized under the authority of this act, and all cities which embrace two or more school districts or parts of districts organized and governed as districts are in towns shall be entitled to all the privileges conferred upon towns and upon the districts therein by section 2 of said chapter 323 of the general laws of 1875.

**Free high schools to have full benefit of act on making report.**

**When high school entitled to money from the state.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

[*Published March* 16, 1877.]

## CHAPTER 250.

AN ACT to amend section 16 of chapter 130 of the general laws of 1868, entitled "An act to provide for the assessment of property for taxation, and the levy of taxes thereon."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section sixteen of chapter one hundred and thirty of the general laws of 1868, is hereby amended by inserting after the word "view," in the second line, the following: "In towns containing one hundred and eight square miles or less; but in towns that contain more than one hundred and eight square miles, real property shall be assessed either from actual view or the best information that the assessor can practically obtain, except improved lands, which shall be assessed from actual view," so that said section, when amended, will read as follows: "Section 16. Real property shall be valued by the assessor from actual view, in towns containing one hundred and eight square miles or less; but in towns containing more than one hundred and eight square miles, real property shall be assessed either from actual view or the best information that the assessor can practically obtain, except improved lands, which shall be assessed from actual view, at the full value which could ordinarily be obtained therefor at private sale, and which the assessor shall believe the owner, if he desires to sell, would accept in full payment. In determining the value, the assessor shall consider as to each piece, its advantage or disadvantage of location, quality of soil, quantity and quality of standing timber, water privileges, mines, minerals, quarries, or other valuable deposits known to be available therein, and all buildings, fixed machinery and improvements of every description thereon, and their value. Real property held under lease from any religious, scientific, literary, or benevolent association, but otherwise exempt, shall be assessed to the lessee. The assessor having fixed the value, shall enter the same opposite the proper tract in the assessment roll. Property omitted from assessment the previous year by mistake, shall be entered twice, designating one entry as omitted for the year 18—: *provided*, that this act shall not be construed to apply to lands containing iron ore.

When assessor to value property from actual view.

How value to be determined.

SECTION 2. All acts and parts of acts, contravening the provisions of this act, are hereby repealed. **Repealed.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 16, 1877.]

## CHAPTER 251.

**AN ACT relating to the Sturgeon Bay and Lake Michigan ship canal, and to amend chapter 365, of the private and local laws of 1864, entitled "An act to incorporate the Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company," approved April 2nd, 1864.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter 365, of the private and local laws of the year 1864, entitled "An act to incorporate the Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company," approved April 2, 1864, is hereby amended by inserting between sections seven and eight of said chapter the following sections: **Amended.**

SECTION 2. It shall be lawful for said company, its officers, engineers, contractors, and agents to enter upon, take possession of, and use, any lands not exceeding 800 feet in width along the line of the route of said canal, and also all other lands adjacent to the line of said canal, or beyond the termini thereof, as the egineer of said company shall certify to the president of said company to be necessary to the construction, use, or operation of said canal, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter provided; and when such compensation shall have been paid or tendered, the title to such lands shall vest in said company, in fee simple, and the said company shall have the right to hold the same; and whenever, in the opinion of the company, the same or any part thereof shall no longer be necessary for the purposes for which the same was taken, the said company is hereby authorized to lease or sell the same, or any part thereof, in fee simple. **Authority of company to take land necessary for construction of its works.**

SECTION 3. Said company may apply, by it attorney, to the judge of any circuit court of this state, and it **Appointment of commissioners to view and ap-**

praise lands to be taken.

shall be lawful for said judge, on the application of said company, as aforesaid, either in term time or vacation, and at the cost of said company, to appoint three disinterested persons residing in the county where the lands are situated, not of kin to the owner or owners thereof, whose duty it shall be to view and examine any lands so taken by the said company in said county, with the buildings and improvement, if any, thereon, and to estimate the value of said lands so taken or required by said company, and all damages which the owner or owners thereof shall sustain by reason of the taking of the same for the construction and use of said canal, or works appertaining thereto, taking into consideration the advantages, as well as the disadvantages, by reason of the construction and operation of the canal, to the owner or owners. And when said commissioners are so appointed, they shall act in all cases arising in said county and requiring the action of commissioners, whenever said company shall not agree with the owner or owners of said land; but if, for any cause, any or all of said commissioners shall become disqualified to serve, or their place or places become vacant, such vacancy or vacancies may be filled in the same manner that the original appointment was made.

Notice of application to be given by company.

SECTION 4. And it shall be the duty of said company to give two weeks' notice of their application to a judge of the circuit court for the appointment of said commissioners, to be published for two successive weeks, at least once a week, in a newspaper published in the county in which the lands are situated, and the affidavit of the printer or publisher shall be legal evidence of such publication.

Commissioners to take oath.

SECTION 5. The persons so appointed as commissoners, before entering upon the discharge of their duties, shall take an oath before some notary public or justice of the peace or other person competent to administer oaths, that they will faithfully, and according to the best of their ability, examine the land or lands so taken or required by said company, and impartially estimate and appraise the value of the same, and the damages or injuries which the owner or owners of each piece or parcel thereof shall have sustained by the reason of the taking and using thereof by said company, over and above the benefits and advantages which said owner or owners of each piece or parcel derive from the construction and operation of said canal.

How commissioners to pro-

SECTION 6. When thus qualified, said commissioners shall proceed to examine the premises and ascertain the

value of such land and the amount of the damages, if any, over and above the advantages which may accrue to such owner or owners as aforesaid, and shall make a report to the clerk of court in writing, under their hands and seals of such valuation and damages, and shall deliver the same within fifteen days after their appraisal to the clerk of the circuit court where said commissioners were appointed, who shall file the same; and in case no appeal is made within twenty days after the filing of said report as hereinafter provided, then the said clerk shall proceed to record the same at the expense of said company, and judgment of said court shall be entered thereon for the amount of such valuation and damages, either in term time or vacation, on motion of either party; *provided*, that either party may appeal to the circuit court of the county in which said report shall have been filed, within twenty days after the filing of said report, and such appeal shall be tried in the same manner as other issues are tried in said court; and the jury empannelled to try the same shall find the value of said lands so taken or required by said company, and the damages which the owner or owners thereof shall have or may sustain by the taking of the same, over and above the benefits and advantages which will accrue to the owner or owners from the construction of such canal, and judgment of the court shall be entered accordingly.

ceed in viewing and appraising lands.

Appeal to circuit court.

SECTION 7. Such appeal shall be taken by giving notice thereof to the clerk of said court in writing, and thereupon he shall enter the same upon the docket of said court, setting down said canal company as defendant, and the claimant or claimants as plaintiffs; *provided*, that it shall not be lawful for the said commissioners or the said court to proceed in the assessment of the damages or valuation of the land or material, in the absence of the owner or owners thereof, his, her or their agents or attorneys, unless it shall be shown to them by competent proof that the said owner or owners are absent from the state of Wisconsin, or that at least five days notice, in writing, of the time and place where such assessment or valuation was to be made, was served personally on said owner or owners, or by leaving the same at the last and usual place of residence with some person of suitable age and discretion, and if said owner or owners shall be minors, or *non compos mentis*, the service of such notice may be made on their guardian or trustee, if there be any, or in such manner as the judge shall direct; and if said owner or

How appeal to be taken.

When not lawful to proceed in assessment.

How notice to be served.

owners shall be non-residents or absent from the state, or his residence unknown, the service of such notice may be made by publishing the same in a newspaper published in said county for two successive weeks; *provided*, that upon the making and filing of any report as aforesaid, and the payment or legal tender of the amount of any valuation or damages specified therein, to the owner or owners of such lands, his, her or their legal representatives, or the payment of the amount as aforesaid to the clerk of said court, when any appeal under this act may have been taken, to abide the issue of such appeal, the said company, their agents or contractors, for making and repairing such canal, may immediately take and use the lands without awaiting the issue of any appeal brought thereon; and when such tender is not accepted, the said amount specified in the judgment or report, when not appealed from within the time limited, may be deposited with the clerk of said court, to be paid over on the order of the attorney of said company to the party rightfully entitled thereto, and thereupon said lands shall vest in said company in fee simple, and said company shall not be liable to any concerning the same.

Costs payable by company.

SECTION 8. The costs of any proceeding and judgment specified in this act, shall be paid by said company, except when upon appeal the verdict of the jury shall be for the same amount, or less, than that reported by the commissioners.

SECTION 9. This act shall be in force from and after its passage.

Approved March 8, 1877.

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[*Published March* 16, 1877.]

## CHAPTER 252.

AN ACT to amend chapter 152, general laws of 1872, entitled "An act to authorize the county board of supervisors in the several counties of this state to levy a special tax for county road purposes," and to amend chapter 229, laws of 1874.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 1 of chapter 152 of the general laws of 1872, is hereby amended so as to read as fol-

lows: Section 1. The board of supervisors of the several counties of this state are hereby authorized to levy and raise annually, upon the taxable property of said counties, a special county road and bridge tax, to be expended in building and repairing roads and bridges in and through said counties as hereinafter provided; *provided*, that the said supervisors shall not levy a greater sum than eight thousand dollars in any one year.

Authority of county board to levy special road taxes.

SECTION 2. Section 1 of chapter 229 of the laws of 1874, is hereby amended by striking out the words "two per centum," where they occur in the fifth line of said section, and inserting in lieu thereof, five mills on a dollar, so that when said section is so amended it will read as follows: Section 2. Any county, town, city or village bordering upon any of the navigable rivers of this state, or meandered streams or rivers, is hereby authorized to vote and levy a tax not to exceed five mills on a dollar upon the assessed valuation of the property in such county, town, city or village as the same appears from the last assessment roll or rolls in said county, town, city or village, for the purpose of building, erecting, constructing or maintaining a bridge across such navigable or meandered stream or river, or for the purpose of aiding in the construction, building and maintaining such bridge.

Amended.

Counties, towns, cities and villages may levy taxes for bridge purposes.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

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[*Published March* 16, 1877.]

## CHAPTER 253.

AN ACT to amend chapter 127 of the laws of 1874, entitled "An act to incorporate the city of Menasha," and as amended by chapter 343, of the laws of 1875.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 11 of chapter 6 of said chapter 127, of the laws of 1874, as amended by section 9 of chapter 343 of the laws of 1875, is hereby amended by adding to the end of said section 9 the following: *And provided further*, that whenever the common council of said city shall pass a resolution to purchase or take up

Amended.

City may levy special tax to take up bonded indebtedness.

any of aforesaid bonded indebtedness before the same shall become due, as herein provided, and such resolution shall have been submitted to a vote of the qualified electors of said city, as provided in this section, and the same shall be passed so as to authorize said city to purchase or take up any such bonded indebtedness before the same shall become due, then the common council of said city may levy a special tax or taxes to pay the same, according to the terms of the purchase or compromise so made and accepted, in any year when any portion shall become due, and which special tax or taxes may be levied at any time, and shall be levied and assessed upon the last equalized assessment of the real and personal property of said city previous to the levying of any such special tax. And immediately thereafter the clerk of said city shall assess and make out upon a tax roll made from such assessment, such tax in the same manner as provided by law for the assessing, calculating and making out taxes in other cases. And upon completion of said tax roll, the said clerk shall immediately make out a duplicate copy of such tax lists or roll, to which shall be appended a warrant as provided in and by the charter of said city, so far as the same shall be applicable, signed by the mayor and clerk of said city, and sealed with the corporate seal of said city, and shall deliver such tax list and warrant to the treasurer of said city, and thereupon such treasurer shall at once proceed to collect the taxes and assessments specified and made out in such tax list, in the same manner as provided for the collection of taxes in other cases, and shall be possessed of the same powers and rights, and he shall have for collecting such taxes one per cent. for ten days from the date of warrant, and two per cent. afterwards. Such warrant shall be returnable to the county treasurer of Winnebago county in forty days from its date, and at the expiration of such time, the treasurer of said city shall return such tax list and warrant to said county treasurer, with a list of all lands, lots and personal property upon which the taxes have not been paid, with the taxes assessed thereon; and all such taxes not then collected and so returned to the county treasurer as aforesaid, shall draw interest after such return at the rate of twenty per cent. per annum, up to the day of the sale of lands for taxes; and *provided*, that any such tax may be paid prior to such sale, by paying the amount of such tax with interest at the rate of twenty per cent. per annum, and two per cent. for

Duty of city clerk in making assessment.

collection, and all costs thereon to that date; and the county treasurer shall possess the same powers and rights in collecting such taxes so returned as in other cases, and shall proceed to advertise and sell all lands on which such taxes shall remain unpaid, at the same time and in the same manner and with the same effect as provided by law for the sale of lands for taxes; and all such taxes returned to the county treasurer and collected by him, shall be by him paid over to the treasurer of said city, with the interest collected thereon. Duty of city treasurer.

SECTION 2. Anything contained in said chapter 127 of the laws of 1874, or said chapter 343 of the laws of 1875, conflicting with the foregoing amendments, are hereby repealed, so far as they may conflict with the foregoing provisions. Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 26, 1877.]

## CHAPTER 254.

**AN ACT to provide for levying a state tax for the year 1877.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There shall be and is hereby directed to be levied upon the taxable property of the state a state tax for the year of our Lord one thousand eight hundred and seventy-seven, of two hundred and sixty-three thousand eight hundred and seventy-five dollars, in addition to the amounts authorized to be levied by existing laws. Said tax shall be apportioned and certified by the secretary of state to the several counties, and by the clerks of the several counties to the several towns, cities and incorporated villages in their respective counties, and shall be collected and paid over according to existing laws. Levy of taxes for state purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

[*Published March* 15, 1877.]

## CHAPTER 255.

AN ACT to appropriate to Peter Salentine a sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated to Peter Salentine, out of any money in the general fund not otherwise appropriated, the sum of seven hundred dollars, for his services, salary and disbursements, and attorney fees in the contested election case of Henry Fink vs. Peter Salentine.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 21, 1877.]

## CHAPTER 256.

AN ACT to regulate fees in settlement of particular estates in the county court for Milwaukee county in probate.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

County judge to draw papers in certain cases.

SECTION 1. In the settlement of the estates of deceased persons in the county courts of this state, in which there shall be no contest, and the value of such estate, as shown by the inventory and appraisement made and filed in such matter, shall not exceed the sum of one thousand dollars, the judge of said court or his clerk, if the party or parties so request, shall draw all the papers necessary for the settlement and distribution of said estate, free of charge.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 8, 1877.

[*Published March* 15, 1877,]

## CHAPTER 257.

AN ACT relating to a dam on Little Wolf river, in Waupaca county, and amendatory of section 4, of chapter 169, of laws of Wisconsin for 1875.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four, of chapter one hundred and sixty-nine, of the laws of Wisconsin for the year 1875, entitled "An act to authorize J. M. Rounds and company to maintain a dam on Little Wolf River, in Waupaca county," is hereby amended by striking out thereof the word "two" in the eighth line of said section four (4), and inserting in lieu thereof the word "one." Amended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 258.

AN ACT relating to a dam across the Little Wolf River, in Waupaca county, Wisconsin, and amendatory of section 4, of chapter 159, of the laws of Wisconsin for the year 1873.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four (4), of chapter one hundred and fifty-nine (159), of the laws of the state of Wisconsin for the year 1873, entitled "An act to authorize C. G. Ogden and others to build and maintain a dam across Little Wolf river, in the county of Waupaca," is hereby amended by striking out thereof the word "two," in the sixth line of said section, and inserting in lieu thereof the word "one." Amended.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 8, 1877.

[*Published March* 15, 1877.]

## CHAPTER 259.

AN ACT to amend section 1, of chapter 227, of the laws of 1876, entitled "An act to provide for the recording of the lands of the Wisconsin Railroad Farm-Mortgage Land Company, in the register's office of the several counties in which such lands are situated."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Secretary of state to make lists of lands.

SECTION 1. Section 1, of chapter 227, of the laws of 1876, is hereby amended so as to read as follows: "Section 1. The secretary of state shall cause to be made out, from the best sources of information attainable, lists of the lands of the Wisconsin Railroad Farm-Mortgage Land Company situated in the several counties of this state. Said lists shall contain full descriptions of all such lands in any county, and shall be certified to by said secretary of state under his hand and the seal of his office, as being correct according to the best information that he has been able to obtain, and on or before the first day of July, A. D. 1876, such list certified to as aforesaid, shall be transmitted to the register of deeds of the several counties respectively, in which such lands are situated; *provided*, that in counties where the patents for such lands are recorded, such lists of lands need not be furnished by the secretary of state.

List to be sent to registers of deeds.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 19, 1877.]

## CHAPTER 260.

A BILL to revise, consolidate and amend the charter of the city of Stevens Point, approved May 17th, 1858, and the several acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

### CHAPTER I.

THE CITY OF STEVENS POINT — ITS CORPORATE POWERS.

General corporate powers.

SECTION 1. All that district of country in the county of Portage and state of Wisconsin hereinafter described

shall be a city by the name of Stevens Point, and the people now inhabiting and those who shall inhabit said district, shall be a municipal corporation by the name of the city of Stevens Point, and shall have the general powers possessed by municipal corporations at common law; and, in addition thereto, shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all the courts of law and equity, and shall have a common seal, and may alter the same at pleasure.

## CHAPTER II.

### CITY AND WARD BOUNDARIES.

City boundaries.

SECTION 1. The west half of the northeast quarter, the west half of the southeast quarter and the west half of section No. four (4) and section No. five (5) and six (6), township No. twenty-three (23) north of range eight (8) east, and the southwest quarter of southeast quarter, and south half of southwest quarter section No. twenty-eight (28), the south half of section No. twenty-nine (29) and the south half of section No. thirty (30), all of sections No. thirty-one (31) and thirty-two (32) and the west half of northeast quarter and the west half of southeast quarter and the west half of section No. thirty-three (33) in township No. twenty-four (24) north of range No. eight (8) east, in the county of Portage and state of Wisconsin, shall be included in and constitute the limits of the city of Stevens Point.

Ward boundaries.

SECTION 2. The city shall be divided into four wards, called first, second, third and fourth wards, and the said wards shall be limited and bounded as follows: All that portion of said city lying east of the middle of the main channel of the Wisconsin river and south of the middle of the channel of the main slough, the levee and Briggs street, and west of the center of Division street and north of the center of Ellis street, and north of south line of out lot No. six (6) to Third street, thence south to the Wisconsin river, together with all that portion of said city lying west of the middle of the main channel of the Wisconsin river and north of the center of Central avenue, and a line projecting southwesterly to the quarter line running east and west through the center of section number thirty-one, of

township number twenty-four, of range number eight, thence west on said quarter line to the west line of said city, shall constitute the first ward of said city. All that portion of said city lying east of the middle of the main channel of the Wisconsin river, and south of the center of Ellis street, and south of south line of outlot number six toThird street, thence south on center line of Third street to the Wisconsin river, and west of Division street and a line projected south to the south boundary line of said city, together with all that portion of said city lying west of the middle of the main channel of the Wisconsin river and south of the middle of Central avenue from west end of the bridge across the Wisconsin river to its intersection of the quarter line running east and west through section number thirty-one, aforesaid, and south of said quarter line from such intersection to the west boundary line of said city, shall constitute the second ward of said city. All that portion of said city lying east of the center of Division street and a line projected south from said street to the south boundary line of said city, and projected north from said street to the north line of said city, shall constitute the third ward of said city. All that portion of said city lying north of the middle of the main slough, the levee and Briggs street, and west of a line projected north of Divsion street, to north boundary line of said city, and east of the middle of the main channel of the Wisconsin river, shall constitute the fourth ward of said city.

## CHAPTER III.

### ELECTIONS.

**Annual elections.**

SECTION 1. The annual election for ward and city officers, shall be held on the first Tuesday in April, in each year, at such place in each ward as the common council shall designate, and the polls shall be kept open from 9 o'clock in the forenoon till sundown; and ten days previous notice shall be given, by the common council, of the time and place of holding such elections, and of the city and ward officers to be elected.

**City officers—Qualifications and terms of.**

SECTION 2. The elective officers of said city shall be a mayor, a treasurer, city attorney, an assessor, a marshal, and three justices of the peace, elected by and for the city at large; and two aldermen, one supervisor, to represent his ward in the board of supervisors of Portage county, to be elected by and for each ward.

The mayor, treasurer, assessor, aldermen and marshal shall be freeholders in said city, and all the city and ward officers aforesaid shall be qualified voters and residents of the city, and in the ward for which they were elected. The city clerk and all other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council. All elective officers shall, unless otherwise provided, hold their respective offices for one year and until their successors are elected and qualified, except justices of the peace and aldermen, who shall hold their respective offices for two years, and until their successors are elected and qualified; *provided, however*, the common council shall have power, for due cause, to expel any of their own number, and to remove from office any officer or agent under the city government, due notice being first given to the officer complained of. The mayor shall have power to suspend any police officer or watchman, appointed by the council, when complained of, for cause, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being.

**Powers of council and of mayor.**

SECTION 3. Whenever a vacancy shall occur in the office of mayor, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duty thereof for the unexpired term, except in case of alderman, whose appointments shall continue only till the next charter election, when the vacancy shall be filled by an election, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

**How vacancies to be filled.**

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct.

**Tie vote.**

SECTION 5. All persons who are qualified electors of the state of Wisconsin, and who shall reside in the ward where they offer their vote ten days next preceding such election, shall be deemed qualified electors of said city and ward.

**Qualification of electors.**

How elections to be conducted

SECTION 6. The election in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of election for their respective wards, and shall take the usual oaths or affirmations, as prescribed by the general laws of this state to be taken by the judges and inspectors of elections, and shall have the power to appoint clerks of such elections, and to administer the necessary oaths; and in case of the absence of any or all of the aldermen of the ward at the time for opening the polls, the voters present shall select some person or persons to act in their places as inspectors of election. Said elections shall be held and conducted in the same manner, and under the same penalties, and vacancies in the board of inspectors thereof filled as required by the laws of this state regarding elections.

Oath of elector.

SECTION 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspectors, before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be), that you are twenty-one years of age, and that you are a citizen of the United States (or have declared your intentions to become a citizen, conformably with the laws of the United States on the subject of naturalization); that you have resided within the state of Wisconsin one year; that you are an actual resident within the city, and, for twenty days, in the ward, and that you have not voted at this election, and that you have made no bet or wager or become directly or indirectly interested in any bet or wager depending on the result of this election;" and if the person offering to vote shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter, shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once, at any one election, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes. And if any inspector shall knowingly and corruptly receive the vote of any per-

Penalty for illegal voting.

son not authorized to vote, or shall make out false returns of an election, or if any clerk shall not write down the name of every voter, as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every inspector and clerk shall be liable to indictment, and, on conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments shall be tried in the circuit court of the county of Portage.

**Canvass and return of votes.**

SECTION 8. When an election shall be closed and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person, for each and every office, and shall deliver or cause to be delivered such return to the city clerk, within three days after any election. The common council shall, on the fourth day after such election, meet and canvass said returns, and declare the result, as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his respective election.

**Special elections.**

SECTION 9. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward, in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be prescribed by ordinance.

**When office deemed vacant.**

SECTION 10. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

**Election of aldermen.**

SECTION 11. There shall be elected at the first election under the act, one alderman for the fourth ward, who shall hold his office for one year, and one alderman for each ward, who shall hold his office for two years. The alderman having the highest number of votes in the fourth ward shall be alderman for two years; and thereafter, at each annual election there shall be elected an alderman in each ward, who shall hold his office for two years; there shall each year also be elected a supervisor for each ward, who shall represent the city in the county board of supervisors, who shall hold his office for one year.

Form of ballot.

SECTION 12. The votes for aldermen and all other elective officers, shall be on one ballot, and shall be deposited in one ballot box.

Present officers

SECTION 13. All of the present officers of the city of Stevens Point shall hold their respective offices during the term for which they were elected or appointed.

## CHAPTER IV.

### OFFICERS — THEIR POWERS AND DUTIES.

Officers to take oath and enter into bonds.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same with the clerk of the city; and the treasurer, clerk, marshal, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Stevens Point, a bond, with at least two sureties, who shall swear that they are worth in the aggregate the penalty specified in said bond over and above all debts, exemptions, or liabilities, and said bonds shall contain such penal sum, and such conditions as the common council may deem proper; and they may, from time to time, require new, additional bonds, and remove from office any officer refusing or neglecting to give the same.

Duties of mayor.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer, and head of the police of the city, and in case of a riot or other disturbance, or apparent necessity, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of a tie. The mayor shall have power to veto any ordinance or resolution passed by the common council, by notifying the common council of his objection thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the council on any day after the passage of the same, and before the expiration of the said sev-

en days, such notification shall be made by filing with the city clerk a copy of his objections; and in case the council shall not within one week after the receipt of such objections, or such filing with the clerk, re-enact such ordinance or pass such resolution by the votes of two-thirds of the aldermen elect, the same shall be null and void. No ordinance or resolution shall take effect until one week after the passage of the same, unless sooner approved in writing, by the mayor, or acting mayor, for the time being.

**Election and duties of president of council.**

SECTION 3. At the first meeting of the common council in each year, they shall proceed to elect by ballot, one of their number president, and, in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability, for any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city bonds. In case the mayor and president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president, or temporary presiding officer, while presiding over the board or performing the duties of mayor, shall be styled "acting mayor," and acts performed by them or any of them shall have the same force and validity as if performed by the mayor, excepting the signing of the city bonds; and the said common council shall, also at their first meeting in each year, elect a clerk for the city, also a chief engineer, and first and second assistant engineers of the fire department, who shall hold their respective offices for the term of one year, and until others are elected and qualified.

**Duties of city clerk.**

SECTION 4. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the common council certified by him to have been compared by him with the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. He shall file in his office all

chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns; and chattel mortgages so filed, and the renewals thereof, shall be as valid and legal as if the same had been filed in the town clerk's office in any town. The clerk shall have power and authority to administer oaths or affirmations.

Jurisdiction and duties of justices.

SECTION 5. The justices of the peace, elected under this act, shall have the same jurisdiction, and perform all the duties of the justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements shall be approved by a majority of the common council.

Duties of city treasurer.

SECTION 6. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him, by the ordinances of said city, or the laws of this state. All moneys raised, received, recovered or collected, by means of any tax, license, penalty, fine, forfeiture, or otherwise, under the authority of this act, or which may belong to the said city, shall be paid into the city treasury, and shall not be drawn therefrom, except by an order, issued by order of the common council, and signed by the mayor, and countersigned and attested by the clerk. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer, in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when, and the person from whom the amount of the several sums was received, which book shall, at all reasonable times, be open to the inspection of any person. He shall, every three months, and so often as the common council require, render to such council a minute account of the receipts and expenditures of his office, and at the expiration of his office, he shall hand over to his successor all moneys, books, papers and property in his posession belonging to said city. The said treasurer shall also be a collector of taxes, and for his services he shall be entitled to compensation as hereinafter provided, and he shall have the same powers, and be subject to the same liabilities, and be governed by the same laws, as treasurers of towns; *provided*, that he shall receive no other fees except the compensation hereinafter provided.

Duties of city marshal.

SECTION 7. The marshal shall attend all the meetings of the common council, and shall perform such duties as

shall be prescribed by the common council for the preservation of the public peace, and collection of license moneys and fines. He shall possess all the powers of constables of towns and be subject to the same liabilities. It shall be his duty to execute and return all writs and process to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city or law of this state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in said city, to apprehend any person in the act of committing any offense against any ordinance of said city, or laws of this state; and within reasonable time bring such person before competent authority for examination; and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible and of whom he may require bonds for the faithful discharge of their duties.

**Further duties of officers.**

SECTION 8. The common council shall have the power from time to time to require other and further duties to be performed by any officer, whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, or for which he is elected or appointed.

**Printing and publication.**

SECTION 9. The common council, at their first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers, printed in said city, in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council, to be published in a public newspaper, which printing or publishing shall be let by contract to the lowest bidder or bidders.

**Proof of publication.**

SECTION 10. The city printer or printers, immediately after the publication of any notice or ordinance or resolution, or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or

the affidavit of his or their foreman, of the length of the time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

Penalty for refusing to deliver books and papers to successor.

SECTION 11. If any person, having been an officer in said city, shall not within ten days after notification and request, deliver to his successor in office all property, books, papers and effects belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the said city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

Aldermen not to be interested in contract with city.

SECTION 12. No alderman shall be a party to or interested in any job or contract with the city or any of the wards; and any contract in which any alderman may be so interested, shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid, from the parties to such contract, and the alderman interested in the same.

Peace officers.

SECTION 13. The mayor or acting mayor, sheriff of Portage county, and each and every alderman, justice of the peace, marshal, under sheriff and deputy sheriff of Portage county, policeman and watchman shall be officers of the peace and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if need be of all citizens and military companies, and if any person, bystander, military officer or private citizen shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case when the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

Election and duties of city surveyor.

SECTION 14. There may be elected by the common council a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards shall be the property of

said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested, and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor, at the expiration of his term of office, to his successor or the common council.

Jurisdiction of justices of the peace.

SECTION 15. The justices of the peace elected under this act shall have the same jurisdiction in civil and criminal cases, and perform all duties of justices of the peace as provided by the general laws of the state, and in addition thereto they shall have jurisdiction in all cases arising under the ordinances heretofore or hereafter passed by said city, unless therein otherwise provided.

Justices to pay over fines and penalties to city.

SECTION 16. The justices of the peace shall, as often as the common council may require, report to the common council all the proceedings instituted before him, in which the city is interested, and shall, at the same time, account for and pay over to the city treasurer, all fines and penalties collected by him, and belonging to said city; and said justices shall be entitled to receive from the county of Portage, such fees in similar cases as are allowed to other justices in the county, for similar services.

Duties of assessor.

SECTION 17. The city assessor shall assess the real and personal property of said city at the time and in the manner provided for assessing towns; and his compensation therefor shall be the same as provided by law for the compensation of town assessors.

Duties of city attorney.

SECTION 18. The city attorney shall perform all professional services incident to the office, as prescribed by this charter, and the ordinances, resolutions, or by-laws of said city, and when notified shall appeal and conduct all prosecutions when the city is a party, and in all civil actions when the city is plaintiff, and all defenses when the city is a party, and when required shall furnish written opinions to the council or its committees.

## CHAPTER V.

### THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

Common council—How constituted.

SECTION 1. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services, and the style of all ordinances shall be "the mayor and common council of the city of Stevens Point do ordain," etc. The com-

mon council shall meet at such time and place, as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Meetings of council.

SECTION 2. The common council shall hold their first annual meeting in each year, on the second Tuesday of April, and thereafter stated meetings at such times as they shall appoint, and the mayor may call special meetings by notice to each of the members, to be served personally, or left at their places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have the power to compel the attendance of absent members.

General powers of council.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all the other public property in the city; and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify amend and repeal all such ordinances, rules, resolutions and by-laws, for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of trade, commerce and health thereof, and so enforce as they shall deem expedient; declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws, are hereby declared to be and have the force of law; *provided*, that they be not repugnant to the constitution and laws of the United States, or of this state, and for these purposes shall have authority, by ordinance, resolution, or by-laws,

To license and regulate shows and places of amusement.

1st. To license, regulate, suppress or prohibit the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys; and to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state, or at common law, and may grant licenses for, and regulate, groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same; *provided*, that the license for so dealing in or vending spirituous, vinous or fermented liquors, shall not be less than fifty dollars, or more than two thousand dollars per annum, and that all such licenses hereafter granted, shall run from the first day of May in each year to the first day

May following; *provided, however* that when any such license may be applied for, after that date, the same may be granted, to expire on the first day of May of each year, on applicant paying pro rata therefor; but no license shall be granted for a longer term or period than one year.

2d. To restrain, prohibit and suppress all descriptions of gambling and fraudlent vices and practices, and all playing of cards, dice or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending, giving away or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council; and to license, regulate and suppress hawkers and peddlers. **To restrain gambling, and regulate sale of liquors.**

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. No person shall be incapacitated or excused from testifying, touching any offense committed against any of the provisions of this act, or any ordinance of the city of Stevens Point, by reason of him or her being implicated in any such offense; but the testimony of such witness shall in no case be used against such witness. **To preserve order.**

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city. **To abate nuisances.**

5th. To direct the location and management of slaughter-houses and markets, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder or other combustible materials. **To regulate markets.**

6th. To prevent the encumbering of the streets, sidewalks, lanes or alleys with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, lumber, pine, wood or any other materials or substances whatever. **To prevent encumbering of streets.**

7th. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city. **Horse racing, swimming, etc.**

8th. To restrain the running at large of cattle, mules, horses, swine, sheep, poultry and geese, and to author- **Impounding of cattle.**

ize the distraining, impounding and sale of the same for the penalty incurred, and the cost of proceedings.

Dogs.

9th. To prevent the running at large of dogs in the said city, and to authorize the destruction of the same in a summary manner when at large, contrary to the ordinances.

More dogs.

10th. To provide for licensing the keeping of dogs in the said city at a sum or rate of not less than one dollar nor more than ten dollars a year for each dog; and to provide for a badge or token to be carried by each licensed dog, and for the secure muzzling of licensed dog, and for the killing and destruction, in a summary manner, of all dogs not licensed, wherever the same may be found within the said city, and of licensed dogs running at large in the streets, alleys or public grounds in said city; and to punish persons keeping unlicensed dogs.

Removal of unwholesome substances.

11th. To prevent any person from bringing, depositing, or having, within said city any putrid carcasses, or other unwholsome substances, and to require the removal of the same by any person, who shall have upon his premises, any such substance, putrid or unsound beef, pork, fish, hides, skins or substances of any kind, and in default, to authorize the removal thereof by some competent officer at the expense of such person or persons.

Pounds, wells, hackmen, illuminations, etc.

12th. To make and establish public pounds, pumps, wells, cisterns, and reservoirs, to erect lamps, and to regulate, license, and suppress, omnibus drivers, hackmen, coachmen, cartmen, draymen, and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen and all others who may pursue like occupations, in this city, and to provide for lighting the streets, public grounds and public buildings, with gas or otherwise.

Boards of health, hospitals, pest-houses, cemeteries, etc.

13th. To establish and regulate boards of health, provide hospitals, pest houses and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds, set apart for public use, from taxation.

Bread.

14th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Riding and driving on sidewalks.

15th. To prevent all persons riding or driving any ox, mule, cattle, or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks.

Firearms and Fireworks.

16th. To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks, in

any situation which may be considered by the council dangerous to the city, or any property therein, or annoying to any citizen thereof.

17th. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons, who may be guilty of the same. **Drunkenness and obscenity.**

18th. To restrain and regulate runners and solicitors for stages, public houses, or other establishments, and to establish and regulate the police of the city. **Runners and police.**

19th. To establish public markets, and make rules for the government of the same; to appoint suitable officers for overseeing and regulating such markets; and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations. **Public markets**

20th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions. **Butchers' stalls**

21st. To compel the owners and occupants of buildings and grounds, to remove snow, dirt, or rubbish from the sidewalks, streets or alleys, opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default to authorize the removal or destruction thereof, by some officer of the city, at the expense of such owner or occupant. **Removal of snow and rubbish.**

22d. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same. **Hay, fuel, lime, etc.**

23d. To regulate, control and prevent the landing of persons from railroad cars or stages, wherein are contagious or infectious diseases, or disorders, and to make such disposition of such persons, as to preserve the health of said city. **Contagious and infectious diseases.**

24th. To regulate the time, place and manner of holding of public auctions or vendues. **Auctions and vendues.**

25th. To appoint watchmen and prescribe their duties. **Watchmen.**

26th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures. **Weights and measures.**

27th. To protect trees and monuments in said city. **Trees and monuments.**

28th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, **Highways, streets, etc.**

and to keep them free from incumbrances, and to protect them from injury.

Names of streets.

29th. To alter or change the name of any street in the city.

Police regulations.

30th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city, by this act, or which may be vested in any officer of said city, by any ordinance thereof.

Breweries, tanneries and packing houses

31st. To direct the location, and regulate and license breweries, tanneries and packing houses.

How ordinances, etc., to be passed and made of effect.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall, within fifteen days after their passage, respectively, be published in the official paper or papers of said city once before the same shall be in force; and within fifteen days thereafter they shall be recorded by the said clerk, in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and take as sufficient evidence of the time and manner of such publication; and such record of such law, ordinance, regulation or by-law, and the proof of such record, certified by the clerk, under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of the majority of the members of the common council in its favor.

What deemed nuisances.

SECTION 5. The powers conferred upon the said council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the

license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, marshal, and all other officers and agents of the city, at such time as they may deem proper, and also, at the end of each year, and before the time for which the officers of said city are elected or appointed shall have have expired; and the common council shall require each and every such officer and agent to exhibit his books, funds and moneys, accounts and vouchers, for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his account, or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

**Council to examine and audit accounts of officers.**

SECTION 7. The corporate authority of said city shall be vested in one principal officer, styled a mayor; in one board of aldermen, consisting of two members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as may be created under this act.

**In whom corporate authority of city vested**

## CHAPTER VI.

### FINANCE AND TAXATION.

SECTION 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders upon the treasury shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes, for bridges and school purposes, and except taxes levied for the payment of the principal or interest of any outstanding indebtedness of said city, which

**How money to be paid from treasury.**

**City orders.**

shall be collected in money or in orders drawn upon such fund respectively; and all orders shall be payable to the persons or to the order of the persons in whose favor they may be drawn, or bearer.

Levy of taxes.

SECTION 2. The common council of said city shall annually levy upon the taxable property of said city, to defray the current expenses of said city and its schools, a tax sufficient for that purpose.

Issuing of bonds, etc.

SECTION 3. The common council of said city shall not have power to issue any bonds or other evidences of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, and duly authorized by a majority vote of the electors of the city, nor shall the common council issue in one year, orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act; *provided*, that whenever it shall be necessary to build or repair bridges, a special tax may be levied for such purpose, not exceeding three thousand dollars in any one year; and the said taxes when so levied, shall be collected at the same time as other city taxes are collected.

Levy of taxes for outstanding indebtedness.

SECTION 4. Taxes may be levied by the common council, at any regular meeting, for the purpose of paying any outstanding indebtedness of the city of Stevens Point, and also for the payment of any bonds, or any other evidence of debt, hereafter issued or created, in accordance with the provisions of this act, or by any authority of law. Said taxes, when so levied, shall be collected at the same time that other city taxes are collected.

Accounts to be verified.

SECTION 5. No account shall be allowed by the common council unless the same is verified by the owner thereof, or some person in his behalf.

Appeals to circuit court.

SECTION 6. When the claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court for the county of Portage, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to said city with sufficient surety, to be approved by said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

Duty of city clerk in case of appeals.

SECTION 7. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the

mayor and common council, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with the decision thereon, and shall file the same together with the bond, and all papers in the case in his possession, with the clerk of the circuit court for the county of Portage; and such appeal shall be entered, tried and determined, in the same manner as appeals from justices of the peace; and costs shall thereupon be awarded in like manner; *provided, however*, that whenever an appeal is taken, from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance, the appellant shall pay the cost of appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceeds the sum recovered, judgment shall be rendered against appellant for the amount of such excess.

**Claims to be presented before suit commenced.**

SECTION 8. No action shall hereafter be maintained by any person against the city of Stevens Point, upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim to the common council of said city, and neither the said city nor any ward thereof, nor officer within said city, shall be liable for any damage that may happen by reason of any defection in any sidewalk in said city, unless the street committee of the proper ward, or mayor or common council, shall have first had actual notice of such defection, and reasonable time thereafter to repair the same.

**When city not liable for damages.**

**Determination of council to be final.**

SECTION 9. The determination of the common council, disallowing, in whole or in part, any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, unless an appeal shall be taken from the decision and determination of such common council as hereinbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city; *provided, however*, that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be construed so as to prevent the institution and maintenance of an action by said claimant against said city.

## CHAPTER VII.

### OPENING OF STREETS AND ALLEYS.

Power of council to lay out streets, etc., and to take lands necessary therefor.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same as follows: Whenever ten or more freeholders residing in any ward shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside, for public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to such petitioners, to be set forth in said petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such land, if any there be, or if any portion of said lands shall not be in the actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper or papers four weeks successively, at least once in each week.

Notice of application to be given.

SECTION 2. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge or court commissioner for the county of Portage for the appointment of twelve jurors to view said premises and to determine whether it will be necessary to take the same for the purpose specified in said petition.

Appointment of jurors to view premises.

SECTION 3. Upon the representation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve resident freeholders, residents of said city, but not residents of the ward in which said premises may be, nor interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them, within ten days, to view the premises to be specified in said precept, and to make returns under their hands to the common council whether, in their judgment, it is necessary to take said premises for the purposes specified in such application, and the said jurors, before entering

upon the discharge of their duties, shall take and subscribe an oath, faithfully and impartially to discharge their duties as such jurors, in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk.

Duty of city marshal.

SECTION 4. The city marshal shall serve his precept immediately, on the jurors therein named, by reading the same to every one that can be found, and immediately after such service he shall return the said precept to the judge or court commissioner who issued the same, together with his doings thereon.

Substitution of jurors.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the judge or coert commissioner shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Oath of jurors.

SECTION 6. The said judge or court commissioner, or any justice of the peace, shall thereupon administer an oath to said jurors, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

Duty of jurors in viewing premises.

SECTION 7. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for public use; which said report, testimony, and precept shall be returned to the common council within the time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among their proceedings, confirming said report; and directing the same jurors, within twenty days thereafter, or at such future time as shall be necessary to again view said premises, for the purpose of ascertaining and determining the amount of the damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return within the time limited, such damages to the common council, and after the jurors shall

have made their report as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve, in ascertaining the amount of compensation as above; and all the jurors shall, before entering upon the discharge of their duties in the premises, severally take an oath before some competent officer, that they are freeholders in said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

When land contains buildings.

SECTION 8. If there should be any building, in whole or in part, upon the land to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly the value of such building to him to remove.

How notice to be given to owners of property.

SECTION 9. At least ten days personal notice of such determination shall be given to the owner or his agent if known, and a resident of the city, or left at his usual place of abode. If not known, or a new [non] resident, notice to all persons interested shall be given, by publication in the official paper or papers of said city, three successive weeks; such notice shall specify the building, and the award of the jurors; it shall require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the jurors, and allow such building to be taken, with the land appropriated, or their intention to remove such building. He shall have such time for this purpose as the common council may allow.

Sale of buildings.

SECTION 10. If the owner shall refuse to take the building at the value, to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building, at public auction, for cash, giving ten days' notice of such sale; the proceeds shall be paid to the owner, or deposited to his use.

Jurors to view premises, and estimate damages and benefits.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will, in their judgment be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of

said jurors, they shall proceed to make their assessment and to determine and appraise, to the owner or owners, the actual value in money, of the real estate so proposed to be taken, and the injury arising to them respectively, in consequence of the taking thereof, which shall be awarded to such owners respectively, as damages. In the estimates of the damages to the lands, the jurors shall include the value of the building or buildings (if the property of the owner of such lands), as estimated by them, as aforesaid, less the proceeds of the sale thereof, or if taken by the owner, at the value to remove; in such case, they shall only include the difference between such value, and the whole estimated value of such building or buildings, according to section eight of this chapter.

**When property belongs to different persons.**

SECTION 12. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it, less than an estate in fee, the injury done to such persons or interests, respectively, shall be awarded to them by the jurors.

**Return of award of jurors.**

SECTION 13. The award of said jurors shall be signed by them and returned, together with the testimony taken, and the precept, to the common council, within the time limited in such precept.

**Appeal to circuit court.**

SECTION 14. Any person whose property is taken or against whom any assessments made may, within ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Portage county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section six of chapter five of this act, and such appeal shall be tried by the court and jury as in ordinary cases. The common council shall also have the right to appeal, by filing with the clerk a notice thereof, within ten days as aforesaid.

**When land may be appropriated.**

SECTION 15. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor, to the owner thereof, or party entitled thereto, shall be paid or tendered to the owner or party entitled thereto or his agent, or in case the said owner or party entitled thereto, or agent, cannot be found, or is unknown, deposited to his or their credit in some safe place of deposit; and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinan-

ces of the city, in the same manner as streets, alleys and public grounds, opened or laid out.

When damages to be paid or tendered.

SECTION 16. The damages assessed shall be paid or tendered or deposited as herein required within one year from the confirmation of such assessment and report; and if not so paid, tendered or deposited, all the proceedings in such case shall be void.

City may pay or tender, and appropriate lands.

SECTION 17. The city may pay or tender or deposit, as herein required, at any time within one year from the confirmation of such assessment and report, the damages assessed in any such case; and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among their proceedings to take and appropriate such lands for the purposes required.

When whole of property taken contracts to cease.

SECTION 18. When the whole of any tract or lot, or other premises, under lease or other contract shall be taken by virtue of this act, all the covenants, contracts or engagements, between landlord and tenant, or any other contracting parties, touching the same, or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged.

When only part of tract is taken

SECTION 19. When only part of a lot or tract of land or other premises, under lease or other contract shall be taken by virtue of this act, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, considerations and and payments reserved, payable and to be paid for, or in respect to the same, shall be so proportioned so that the part thereof, justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for, or in respect to the same.

When owner of lands is an infant or under legal disability.

SECTION 20. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant, or labor under legal disability, the judge of the circuit court of Portage county, or, in his absence, the judge of any court of record in said county, may, on the application of the common council, or such party, or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

Survey to be made and filed.

SECTION 21. Whenever any public grounds, street or alley shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made, and filed in the office of the city clerk.

## CHAPTER VIII

### ASSESSING, LEVYING AND COLLECTING OF TAXES.

**What property subject to assessment.**

SECTION 1. All property, real or personal, within the city, excepting such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government, its schools, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, except so far as they may be altered by this act; *provided, however*, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessor, and make such rules and regulations in relation to revising, altering or adding to such rolls, as they may from time to time deem advisable.

**Assessor to give notice of completion of roll.**

SECTION 2. When the assessment roll shall be completed, the assessor shall give one week's notice thereof in the official paper or papers, and shall fix a time and convenient place where he will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessor shall make such alterations or reductions as justice or equity shall require; *provided*, the time of hearing of such objections shall not be more than one week from the expiration of such notice.

**Roll to be returned to board of equalization who may alter or add to the same.**

SECTION 3. Within one week after the time limited for the hearing of such objections, the assessor shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and, for the purpose of equalizing the same, may alter and add to, take from and otherwise revise and correct the same; *provided, however*, the board of equalization shall not have the the power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessors.

**Lands omitted in previous year to be re-assessed.**

SECTION 4. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year assess upon the lot or tract so omitted for such year or years, that it shall have been so omitted, the just value thereof, noting the year when such omission occurred and such

assessment shall have the same force and effect as it would have had if made the year when the same was omitted, and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosever bands they may have come. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be relevied in such manner as they shall, by ordinance, direct; *provided*, that if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax or assessment so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes and assessments are collected under this act.

When taxes to be relevied.

Board of equalization.

SECTION 5. The mayor, city clerk, city treasurer, and the assessor shall constitute the city board of equalization, and shall meet on the first Monday of July, each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same are applicable, reviving [reviewing], correcting and equalizing the assessment roll of the city. The mayor shall be president of the board of equalization, and the city clerk the clerk thereof.

Assessment to be filed with clerk.

SECTION 6. When the assessment shall have been revised and corrected, the same shall be filed with the clerk. Thereupon the common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied.

Changes to be recorded.

SECTION 7. All changes of assessment roll by the board of equalization shall be duly recorded by the city clerk.

Taxes to be lien on property.

SECTION 8. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and on all personal property of any

person or body politic, assessed for personal taxes, from the delivery of the warrant for the collection thereof until such taxes shall be paid, and no sale or transfer of such real or personal estate shall affect such lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon real or personal property.

Duty of city clerk to complete tax roll.

SECTION 9. It shall be the duty of the city clerk, immediately upon the reception of the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with all the city and other local taxes, adding thereto per cent. for the expense of collection in an additional column prepared for that purpose in the assessment roll, setting down opposite the several sums set down as the valuation of real and personal property, the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent.

Same to make duplicate copy.

SECTION 10. The said city clerk shall immediately make out a duplicate copy of such assessment roll, when thus completed, and deliver the same to the treasurer on or before the second Monday in December in each year.

Warrant to be affixed to assessment roll.

SECTION 11. To each assessment roll so delivered, a warrant, under the hand of the city and the corporate seal of said city, shall be annexed, substantially in the following form:

THE STATE OF WISCONSIN.

Form of warrant.

To the city treasurer of the city of Stevens Point, in the county of Portage:

You are hereby commanded to collect from each one of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll opposite to their respective names and to the several parcels of land therein described; and in case any person and [or] corporation upon whom any such tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected after deducting your fees, you are first to pay to the treasurer of said county on or before the last Monday of January next, the sum of ——, for state taxes, and the further sum

of ——, for county taxes, and the balance of said money you are required to retain and pay out according to law, and in case said taxes and assessments shall not be paid the fourth Monday of February next, you are required to return the same to the county treasurer of the said county of Portage.

Given under my hand and the corporate seal of the city, this —— day of ——, 18—.

—— ——, City Clerk.

Assessment roll to be evidence.

SECTION 12. The said assessment roll and warrant thereto attached shall be *prima facie* evidence in all courts, that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

General laws of state to be applicable.

SECTION 13. All the general laws of this state, which are now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as is required by law of the town treasurer to collect taxes, except as herein provided.

Treasurer to give notice of the collection of taxes.

SECTION 14. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city; that such tax list (describing for what purpose such taxes are levied) has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days ensuing the date of said notice. If the taxes are not paid within said time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days notice of the time and place of such sale, by posting up not less than three written notices in as many public places in said city.

Fees of treasurer for collection of taxes.

SECTION 15. The treasurer shall collect as fees for the collection of taxes two per cent. on all taxes collected by or paid to him prior to the second Monday of January in each year, and five per cent. upon all taxes or assessments paid to or collected by him after the second Monday in January; and in a case of a distress or sale made by him of goods and chattels, for the payment of any tax, he shall collect the same fees as are allowed constables on sales of goods upon execution; the city treasurer shall collect the fees hereinbefore prescribed and shall keep in a book provided for that purpose a true account and statement of all

fees by him received as city treasurer from any source whatever, and such book shall be open at all reasonable times to the inspection of any person; and the city treasurer shall when required make report to the common council duly certified on oath of all fees or other moneys received by him as treasurer, and he shall not be entitled to receive any other or further compensation for his services as treasurer than the salary of the said office, which shall be fixed and determined by resolution of the common council, except that the common council shall provide him all necessary books, blanks and stationery requisite to the discharge of his duties.

When state tax to be paid over.

SECTION 16. The treasurer shall on or before the third Monday in January in each year pay to the county treasurer the state tax assessed upon the lots and tracts of land and personal property in said city.

Informality not to affect validity of the tax.

SECTION 17. All the directions hereby given for the assessing of lands and the levying and collecting of taxes and assessments shall be deemed only directory and no error or informality in the proeeedings of any of the officers intrusted with the same not affecting the substantial justice of the tax itself, shall vitiate or in anywise affect the validity of the tax or assessment.

Back taxes to be paid or tendered before suit can be commenced.

SECTION 18. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot, or tract, or to set aside, or to set up, or interpose any objections to the title derived by virtue of any tax deed executed in consequence of the non-payment of such taxes, and of the sale of the premises therefor, unless such persons shall first pay or tender to the proper party, or deposit for his use with the city treasurer, the amount of all state, county and city taxes that remain unpaid upon such lot, or tract, together with the interest and charges thereon.

Ch. 18, R. S., to apply.

SECTION 19. In case the city treasurer is unable to collect any tax assessed upon any personal property and payable by any person named in the tax list, he shall proceed in all things according to chapter eighteen of the revised statutes of the state and the acts amendatory thereof, in bringing such delinquent person before some justice of the peace, and such proceedings shall be had as are provided by said chapter eighteen, and as are prescribed by chapter one hundred and ninety-eight of the general laws of 1860, and any act that may be hereafter passed amendatory to said acts, or in addition thereto.

## CHAPTER IX.

### FIRE DEPARTMENT.

Power of council to prescribe fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or re-building of wooden buildings, within the fire limits where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

Power of council to require precautions against fire.

SECTION 2. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers, and apparatus used in and about any building, and to cause the same to be removed or placed in a safe condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fire; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens, and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

Power of council to purchase fire apparatus and to organize fire companies.

SECTION 3. The common council shall have full power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same,

and to order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men between the ages of eighteen and fifty years, and may elect its own officers, except chief engineer and assistant engineer, who shall be appointed by the council, and form its own by-laws not inconsistent with the laws of the state or the ordinance and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed shall be exempt from highway work and poll tax and from serving on juries and military duty, except in case of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of ten years in either of such companies shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

**Fire wardens.**

SECTION 4. The mayor shall appoint two fire wardens for each ward subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, store, barn, or enclosure for the purpose of inspecting the same.

**Fines to be paid to fire department.**

SECTION 5. One half of the net proceeds of all fines and penalties recovered and collected for the breach of any ordinance, by-law or regulation made in pursuance of this chapter; shall be paid by the city treasurer to the fire department.

**Penalty for disobedience of orders at fires.**

SECTION 6. When any person shall refuse to obey the lawful order of any egineer, fire warden or alderman of the city, the mayor or city marshal at any fire it shall be lawful for the officer giving such order to arrest, or direct orally the marshal, constable or watchman or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished and in the same manner such officers or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; any person who shall refuse to arrest or aid in arresting any person so refusing shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

**Organization of sack company.**

SECTION 7. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such names as they may select, and shall consist of not more than thirty members. Such company shall consti-

tute a part of the fire department, and at fires shall be subject to the control of the engineers; the members of the said company either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Stevens Point, and are hereby vested with all the power and authority which now is or may hereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as may be in their power, preserve the same from injury or destruction; such company may, from time to time, adopt such by-laws as they may deem necessary, not inconsistent with the laws of this state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

**Duty of treasurer of fire department.**

SECTION 8. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city, in such penal sum as shall be required, and with sureties to be approved by the common council; such moneys shall only be paid out on orders signed by the chief engineer, or acting chief engineer, and countersigned by the clerk of said department.

**Election and duties of officers of fire companies.**

SECTION 9. There shall be elected by the members of each company aforesaid, annually, at their annual meetings, a clerk or secretary, and a treasurer, who shall, on or before the first Monday of May, in each year, return to the city clerk a list containing the names of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

**City clerk to keep record of members of fire companies.**

SECTION 10. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries as above provided; and no person shall be exempt from jury duty unless the name is entered on such list. In case any person shall for any cause cease

to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Portage, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed or which may hereafter be appointed for the annual meetings of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

## CHAPTER X.

### ACTION TO RECOVER PENALTIES, ETC.

Actions for recovery of penalties.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city, and shall be commenced by complaint substantially in the following form:

Form of complaint.

STATE OF WISCONSIN, *Portage County*, City of Stevens Point.—ss.

—— —— being duly sworn, complains on oath to the justices of the peace of the city of Stevens Point, that —— did, on the —— day of ——, 18—, violate the —— section — of an ordinance, by-law or resolution (describing it by its title), which said —— is now in force as this complainant verily believes, and prays that said —— may be arrested and held to answer to the said city of Stevens Point therefor. Subscribed and sworn before me this —— day of ——, 18—.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated, in the foregoing forms of complaint; and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justices of the peace, he shall issue a warrant substantially in the following form:

STATE OF WISCONSIN — *City of Stevens Point* — County of Portage — ss.

Form of warrant.

To the sheriff or any constable of said county, or to the marshal of the city of Stevens Point, greeting:

Whereas, —— ——, has this day complained to me in writing, on oath, that — did on the —— day of ——, 18—, violate the section or sections of an ordinance,

by-law, regulation or law (describing it by its title), which said —— is now in force and effect, as said complainant verily believes. Therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of the said ——, and bring him before the justice of the peace of said city, to answer to said city of Stevens Point on the complaint aforesaid.

Given under my hand this —— day of ——, 18—.

———— ————, Justice of the Peace.

How case to be proceeded with.

SECTION 2. Upon the return of the warrant, the court may proceed summarily with the case, unless it be continued by consent, or for cause. If the cause be adjourned, the defendant, if required by the court so to do, shall recognize with surety for his or her appearance, in such sum as the court shall direct, or in default therefor may be put in charge of the officer who made the arrest, or be committed to the common jail of Portage county. The complaint made aforesaid shall stand in lieu of a declaration and the plea of "not guilty" shall put at issue all subject matter which pertains to the defense of the action.

Printed copy of ordinance, etc., to be evidence.

SECTION 3. A printed copy of an ordinance, by-law or resolution passed by the common council, and published in a newspaper or in pamphlet or book form shall be *prima facie* evidence of its due passage and publication, and may be received in evidence after issue joined and before trial in all cases cognizable before the justice of the peace. The defendant may demand a jury of not more than twelve nor less six men and shall designate the number at the time of the demand. The proper officer whom the justice may direct, shall thereupon make a list of twice the number of persons demanded who may be qualified to serve as jurors in courts of record in Portage county, and the parties shall then alternately strike therefrom, the defendant commencing, so many names as will leave remaining the number demanded. The court shall thereupon issue a venire commanding the officer to summon those so remaining to appear before him at such time as he may direct to make a jury for the trial of said action, and the court may compel their attendance by attachment. Either party may challenge any juror for cause, and deficiencies occasioned thereby or by any other cause shall be supplied by talesmen to be selected and summoned by the officer. If the defendant shall not demand a jury, the city or state may demand a like jury as is above provided, and if no jury be demanded, it shall be deemed a waiver of a jury trial.

Defendant may demand jury. How same to be drawn.

If either party declines to strike from the list the names which he is entitled to strike, the court shall strike the same for such party. Each juror shall receive for his services twenty-five cents.

Witnesses and jurors to attend without pre payment of fees.

SECTION 4. Witnesses and jurors shall attend before the police court, in all city and criminal prosecutions without the payment of fees in advance, or a tender thereof, upon the process of the court duly served, and in default thereof, their attendance may be enforced by attachment. In case the jury, after being kept a reasonable time, should disagree, they shall be discharged, without the payment of fees, and thereupon the court shall adjourn the cause to a day certain and issue a new venire as aforesaid.

When jury disagree.

How city prosecutions to be conducted.

SECTION 5. In city prosecutions the finding of the court or jury shall be either "guilty" or "not guilty." If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act or in the ordinance, by-law or regulation for the violation of which the person or persons shall have [been] adjudged guilty, and for costs of suit; but if not guilty the costs of suit shall be taxed against the city. And in all cases of conviction in actions brought or prosecuted to recover a penalty, fine or forfeiture under any of the provisions of this act, or for the violation of any ordinance of said city, the court shall enter judgment against the defendant for the fine and costs of prosecution, and if the defendant shall neglect or refuse to pay such fine and costs, the court shall enter a judgment that the defendant be imprisoned in the county jail of Portage county for such term as may be prescribed by this act or the ordinance violated, not exceeding three months, and shall forthwith commit the defendant for the term fixed by said judgment; or the court may, in its discretion, in case of the nonpayment of such fine and costs, as aforesaid, enter judgment that said defendant be imprisoned as aforesaid, and kept at hard labor for the benefit of the city of Stevens Point, in the said jail, or upon the public streets or elsewhere within said city, under the supervision of the city marshal or such member of the police force as may be detailed by the mayor for that purpose, for the period of time for which such person or persons shall have been so committed, unless the judgment and expenses of imprisonment are sooner paid; and all persons so committed and kept at labor shall be allowed one dollar per day for each day's labor rendered, exclusive of board, and the amount so

earned shall be applied in liquidation of the judgment, until the same shall be fully paid by such labor, at which time the judgment shall be satisfied and the defendant discharged from custody.

Such execution may be in the following form:

COUNTY OF PORTAGE—*City of Stevens Point*—ss:

The State of Wisconsin, to the sheriff or any constable of said county, and to the keeper of common jail of said county, greeting:

Form of execution.

Whereas, the said city of Stevens Point, on the —— day of ——, 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for said city, against —— ——, for the sum of —— dollars and —— cents, costs of suit, for the violation of (section — of chapter — of this act, or section — of an ordinance or by-law or regulations of said city, describing it by its title): You are hereby commanded to levy distress of the goods and chattels of said —— ——, excepting such as the law exempts, and make sale thereof according to law, to the amount of said sum, together with your fees and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels whereon to levy, to take the body of said —— ——, and him convey and deliver to the keeper of the common jail in Portage county; and the said keeper is hereby commanded to receive, keep in custody, in said jail, the said —— ——, for the term of ——, unless the said judgment, together with all the costs and fees are sooner paid, or he be discharged by due course of law.

Given under my hand this —— day of ——, 18—.

—— ——, Justice of the Peace.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writs.

Appeal to circuit court.

SECTION 6. In all cases where judgment is rendered against a defendant for the recovery of fines or penalties mentioned in this act, or the ordinances now in force or hereafter to be ordained, the defendant may appeal from such judgment to the circuit court of the county of Portage; *provided*, such defendant within twenty-four hours enter into a recognizance with one or more sufficient sureties, to be approved by such justice of the peace, conditioned to appear before said court and abide the judgment of the court therein. The justice of the peace from whose judgment an ap-

peal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and copy of the entries on his docket in the action, together with the recognizance to be filed in the office of the clerk of said court, and the city may appeal from any such judgment, as in other cases before justices of the peace.

How appeal to be tried.

SECTION 7. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the justice of the peace shall be rendered, and no notice of trial shall be required to be given to or by either party.

When finding before justice court confirmed

SECTION 8. If the judgment of the justice of the peace shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law, or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts and enforce the same by execution as in action of tort.

Residence not to disqualify as witness or juror.

SECTION 9. No person shall be an incompetent judge, justice, juror or witness, by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party in interest.

Present ordinances to remain in force.

SECTION 10. All ordinances and regulations now in force in the city of Stevens Point, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council after this act shall take effect.

Actions, etc., to be vested in city.

SECTION 11. All actions, rights and penalties, fines and forfeitures in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Service of process in suits against city.

SECTION 12. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk, so served, forthwith to inform the common council thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such case provided.

Penalties to be paid into city treasury.

SECTION 13. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city, except as provided in chapter 9 of this act.

Fire apparatus exempt from execution.

SECTION 14. All fire engines, hose, carts, hooks and ladders, and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose, hose carts, hooks and ladders and other apparatus and implements, shall be exempt from attachment or execution issued in any action or on any judgment wherein the said city shall be a party.

Private property not liable for city debts.

SECTION 15. No real or personal property of any inhabitant of said city, or of any individual or corporation shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or on any judgment against said city.

Power of mayor to grant pardons.

SECTION 16. The mayor shall have power to grant pardons or commutations after convictions for all offenses against the ordinances of the city, upon such conditions as he may deem proper. He shall communicate any such actions to the council at its next meeting, with the reasons therefor.

## CHAPTER XI.

How ordinance for construction of sidewalks to be passed.

SECTION 1. Every ordinance, resolution or by-law providing for the repairing, construction or reconstruction of any sidewalk or gutter, or for the grading, repairing or improving of any street at the expense in whole or in part of the owners of the lots or parcels of land abutting or fronting on such sidewalk, gutter or street shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution or by-law shall not be passed or adopted sooner than fourteen days after the introduction thereof, nor until ten days after the proceedings of the council, had relative thereto, at the meeting when such ordinance, resolution or by-law was introduced, shall have been published in the official newspaper of said city.

Power of council to establish grade of streets.

SECTION 2. The common council of the city of Stevens Point shall have power to establish the grade of the streets of said city, and to change and re-establish such grade as they shall deem expedient; *provided*, that whenever they shall establish, change or alter the grade of any street, any person who shall claim to have sustained damages by such establishing, change or alteration of grade shall have his right of action against

the city for the recovery of such damages, but no suit shall be commenced against the city therefor until application has been made to the common council to pay such damages, and said council shall have refused or neglected for three months to pay or settle the same.

SECTION 3. It shall be the duty of the city marshal to see that all the ordinances of the city relating to the obstructions and cleaning of sidewalks, streets, alleys, public grounds, reservoires, gutters, sewers, waters and water-courses in said city are duly observed and kept; the committee on streets shall have a general supervision over all works let by contracts for the improvement of streets or sidewalks in said city, unless the common council shall otherwise provide. **Duty of city marshal.**

SECTION 4. Sidewalks shall be constructed, reconstructed or repaired upon the proper established grade of any street in said city, of such width, in such manner, of such materials, and in such time as the common council, by ordinance, resolution, or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid in the manner, of the material or at the time as so directed, the common council may cause the same to be constructed forthwith, at the expense of such owner or owners. The contract for the construction of any such sidewalk, shall be let to the lowest reasonable responsible bidder, and notice shall be given by publication in the official paper of the city, at least for three days, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground, in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same; *provided*, that no such contract shall be let until twenty days after notice shall have been given to such owner or owners of the ordinance, resolution or order requiring the construction of such sidewalk by the publication of the same, at least five days in the official paper of the city; *provided, further*, that lands used exclusi ely for farm purposes, not platted, shall not be liable for, nor the owner or owners thereof, be required to build or maintain sidewalks along or fronting such lands, under the provisions of this chapter. **Construction and repair of sidewalks.** **How contract to be let.** **Levy of special tax.**

SECTION 5. The common council shall have power by a vote of two-thirds of all the members of the common council to order the building, construction, reconstruc- **Power of council in construction and repair of sidewalks.**

tion or repair of sidewalks in the city of Stevens Point in such manner as they may deem proper. The city clerk shall receive all proposals for constructing or repairing sidewalks, and shall open them in the presence of the council, which shall award the contract to the lowest responsible bidder; *provided*, such bid is a reasonable one, subject to such provisions in the case of violation of contract, and to such other particular provisions as the council may prescribe; the proceedings for ordering the repair of sidewalks and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided, as in the case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks shall receive any pay therefor from the city under any circumstances until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk shall be out of repair, and so remain for the space of twenty-four hours, which, in the opinion of the street committee, will not cost to exceed the amount of five dollars, in front of any one lot, to repair the same, they shall be authorized, and it is hereby made their duty, to cause the same to be immediately repaired, and when the same is completed they shall make out an itemized bill of the costs of such repair, specifying the lot and block, or piece or parcel of land, in front of which said work was done, duly verified by his oath, and shall give the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Stevens Point, for payment, and if the owner of such lot, piece or parcel of land, shall refuse or neglect to pay the same for ten days then the clerk shall report the fact to the council and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land, does not reside in the city of Stevens Point the said committee shall return said account to the common council with their certificate stating that fact, and the council shall thereupon levy a special tax to pay the same in the manner in this section provided.

**How contractor to be paid.**

**Letting of contracts for construction and repair of sidewalks.**

SECTION 6. The common council of said city shall have power, and may in its discretion, by a vote of a majority of its members, advertise and let to the lowest responsible bidder, whose bid it shall deem

reasonable and proper, the construction of any sidewalk or gutter or the making of improvement on or along any street or highway in said city limits which shall have been ordered, and levy a tax upon each lot or piece of ground in front of which said sidewalk, gutter or improvement shall have been ordered and constructed under such contract sufficient to pay the cost of constructing the same without giving notice requiring the owners of such lot or lots or pieces of ground to construct the same.

Power of council to construct and repair streets, alleys, etc.

SECTION 7. The common council of the city of Stevens Point shall have the power, by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading and paving and repairing, and cleansing of streets, and parts of streets, alleys, public grounds, reservoirs, gutters and sewers in the manner hereinafter mentioned, and direct and control the persons employed thereon.

Charges payable to city.

SECTION 8. The costs and expenses of surveying streets, alleys, sewers and gutters, and of estimating work thereon, in the execution of any public improvement shall be chargeable to, and payable by the city; the cost and expense of opening, grading or graveling, planking, paving of streets and alleys shall be chargeable to the lots of land, except farming lands, fronting on such street or alley, so that each lot or parcel of land, except farming lands, shall pay for work between the front of each lot or parcel of land, and to the center of such street or alley; *provided*, that the common council may order such cost and expense to be paid by the lots or land, except farming lands, fronting on such streets or alleys, by a *pro rata* tax, based upon the last assessment made prior to such order by the common council. Sewers and gutters may be ordered by the common council and built at the expense of lots or parts of lots benefited thereby, and fronting upon the side of the street along which said sewer or gutter shall be constructed; *provided, however*, that when sewers or gutters are constructed through alleys, no lot shall be assessed therefor, except those situated in the block through which such sewers or gutters may be constructed; and *provided, further*, that in all cases when improvements or work of any kind are chargeable by virtue of this section upon lots benefited, all such improvements across streets, alleys and public grounds, shall be made and paid for by the city, in proportion to the width of the street, alley or public ground. Lots shall be liable, as in this chapter pro-

What charges payable by property holders.

vided, for the improvements of streets to the center of the street on which they abut or join; and corner lots, for all sidewalks up to the crossings or crosswalks.

Estimate of expense of improvement to be made and filed.

SECTION 9. Whenever the common council shall determine to make any public improvement as authorized by this chapter, they shall cause to be made an estimate of the whole expenses thereof, and of the amount thereof to be assessed and charged to each lot and parcel of land, and in case of grading, of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof across each street, alley or public ground aforesaid, and such estimate shall be filed in the office of the city clerk for the inspection of the parties interested, before such work shall be ordered to be done. The common council may authorize the letting of such work by contract to the lowest bidder, at the expense of the lots upon which such work is chargeable, in whole or in part as aforesaid; all bids for doing the same to be approved by the council; and the said council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give such security for the performance of such work as they shall direct; such contract, when approved by the council, to be executed on the part of the city by the mayor, and countersigned by the city clerk; notice of the time and place of receiving such bids to be published for ten days in the official paper of said city. The common council, instead of letting such work by contract to the lowest bidder, may, by an affirmative vote of two-thirds of the members of the council, order the grading, repairing or improving of any street or the making of any public improvement to be done directly by and under the supervision of the street committee, at the uniform expense, in whole or in part, of the lots or parcels of land abutting or fronting on such street or public improvement.

Letting of work by contract and payment therefor.

Work may be done by street committee.

When deep cutting or filling is required, jury to be appointed to determine to whom expenses should be charged.

SECTION 10. Whenever the general interests of the city require deep cutting or extraordinary filling in any street, and the owners of the lots and land fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall represent to the council in writing that the expense of such excavation or filling will exceed the proportion assessed therefor, the council shall require the marshal to summon five freeholders not residents of the ward nor interested in said lots or lands who, after being sworn to faithfully and im-

partially to discharge the trust imposed in them, shall examine the premises within five days therefrom, and if in their opinion the cost of such work will exceed the amount that should be justly and equitably chargeable upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land respectively, and what lots and parcels of land on the streets so to be improved will be benefited by such deep cutting or filling and how much or what portion shall be chargeable to them and to make a report thereof in writing as soon as practicable, but within ten days after such examination, to the common council, and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned shall be assessed upon and collected from the same in the same manner as herein provided; in case such owners shall not do the work, the remainder shall be assessed upon the lots benefited by such improvement in proportion to their respective benefit as determined by said jury. The sum so assessed shall become a lien upon the premises assessed and shall be collected therefrom as a special assessment in the same manner as other special assessments for improvements are collected; *provided*, that should said jury find that said petitioners were not entitled to any division of the expense so assessed upon their lots or parcels of land, then the expenses of all proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same upon the filing of the petition; *provided, also*, that the petition of no owner, feeling himself aggrieved, shall be received unless the same be presented within twenty days after the publication of the notice requiring the same to be done; and *provided further*, that when it shall appear to the council that any such lands belong to non-residents, infants or persons laboring under legal disability who shall not be represented by an agent or guardian or not to be benefited by the making of streets in front of such lots or lands to the amount of the costs and expenses thereof, it shall then be the duty of the said council to cause to be summoned a jury as herein provided.

**Assessments to be lien on property.**

SECTION 11. All work provided for in this chapter shall be done under the supervision of the street committee, and shall be approved by them before it shall be accepted by the council; *provided*, that whenever upon complaint made to, and the common council shall deem any lots injurious to public health by rea-

**Work to be done under the supervision of street committee.**

son of stagnant water, or from any other cause, they may order that such nuisance be abated by draining or filling such lot, or in any other manner by the owner or occupant of such lot, and upon their failure so to do, the street committee, by order of the common council, may abote, or cause to be abated, at the expense of such lot, by taking the same proceedings as are required for the building of sidewalks.

How payment for work to be made.

SECTION 12. Whenever any work has been done under contract as provided in this act, and the work shall have been approved by the mayor, street committee and city surveyor, such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor and the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon; and if the amount is not paid before the time of making out the annual assesment roll, the same may be filed with the city clerk, and the common council shall order the same assessed upon the said lots of land respectively as a special tax, and to be collected therefrom for the benefit of the holder of said certificate as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given as herein prescribed, no informality or error in the poceedings shall invalidate such assessment; *provided*, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for or on account thereof, or for any proceedings for the collection of the pay therefor.

Highway tax.

SECTION 13. The common council of the city of Stevens Point shall, on or before the first Monday in May in each year, determine and levy the amount of highway tax in said city for the ensuing year for the purpose of constructing and repairing streets, highways and bridges in said city; which amount shall not be less than one or more than five mills on the dollar upon all of the taxable property of said city as the same shall appear by the last assessment roll of said property.

Duty of city clerk in assessing highway tax.

SECTION 14. The city clerk shall within fifteen days after said highway tax shall be so levied, make out and deliver to the city treasurer, a list of all persons liable to pay highway taxes in said city, which list shall also contain a statement of all the taxable per-

sonal property, and a description of all lots or parcels of land within said city, with the value of each lot or parcel set opposite to such description, as the same shall appear on the assessment roll of the previous year, and if such lot or tract was not separately described in such roll, then in such proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a part, and the amount of such tax shall be carried out in a separate column opposite the name of each person or persons, corporation or corporations to whom each item of taxable property upon said list is to be assessed.

**Clerk to make and file duplicate list.**

SECTION 15. The clerk shall make a duplicate of such list, both of which shall be signed by the mayor, and countersigned by the city clerk, one of which lists shall be filed in the office of the city clerk, and the other shall be delivered to the city treasurer.

**Form of warrant.**

SECTION 16. The city clerk shall annex to each such tax list a warrant signed by the mayor and city clerk, which shall be in substance in the following form:

To A. B ——, Treasurer of the City of Stevens Point:

You are hereby required to collect from the several persons and corporations named in the annexed tax list, and from the owners of the real estate described therein, the taxes set opposite to such persons, corporations and property within the time limited by law, and to apply the taxes by you so collected, and make due return thereof as required by law.

Dated —— day ——, 18—.

—— ——, City Clerk.
—— ——, Mayor.

**Powers and duties of city treasurer in collecting taxes.**

SECTION 17. The city treasurer shall have the same power and proceed to collect said taxes in the same manner as in the collection of the general taxes, and in case the said treasurer shall be unable to collect any portion of said tax, he shall, on or before the third Monday in November in each year, make out and deliver to the city clerk of said city a list of all such unpaid taxes, which list shall contain the names of all persons, corporation or corporations, and the description of all real estate or personal property included in said tax roll, and the amount of such tax against each of such descriptions or items so uncollected, which said list shall be sworn to by said city treasurer, before some officer authorized to administer oaths.

**Clerk to place delinquent tax on tax roll.**

SECTION 18. Upon the receipt of such list the city clerk shall, at the time of making out the general an-

nual tax roll of said city for that year, place in a separate column on said roll the amount of said delinquent tax against the proper description of real estate and personal property, which shall be collected or returned in the same manner as general taxes are collected or returned by law.

## CHAPTER XII.

Public schools.

SECTION 1. The public schools of said city shall be under the control and general management of the board of education, authorized by chapter 167 of the laws of 1873, approved March 4th, 1873, and which is hereby continued in full force, except as herein modified by the provisions of this act.

Board of education — Election of members of.

SECTION 2. The members of the board of education, as constituted, shall hold their offices until their successors are elected, as herein provided. At the next election for electing the members of the board of education, as provided in chapter 167 of the laws of 1873, there shall be elected from each ward of the city two members of the board of education, one of whom shall hold his office for the term of two years, and the other shall hold his office for one year, and annually thereafter one member of said board shall be elected from each ward, whose term of office shall be for two years.

Powers of board of education.

SECTION 3. The board of education shall have power in their discretion to extend the school limits of school district number one of said city, so as to include the entire city limits, to appoint a city superintendent of schools, fix his salary and prescribe his duties, to cause to be repaired school houses, and to erect new school houses when deemed necessary, to make an annual report or statement of the estimate required for carrying on the schools for the ensuing year, and specifying the amount required for the erection of a new school house; when such sum forms part of such annual estimate, and which sums so estimated and reported by the board of education, shall be, by the common council of the city, levied and collected in the same time and manner as other general taxes are; from and after the appointment of such city superintendent of schools, the city shall be and is hereby declared independent of the jurisdiction of the county superintendent of schools of Portage county, and all property therein exempt from taxation for his salary.

## CHAPTER XIII.

### MISCELLANEOUS PROVISIONS.

SECTION 1. All work for the city or either ward, including all printing and publishing, may in the discretion of the council, unless otherwise ordered, be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting the contracts. **Work for city to be let by contract.**

SECTION 2. No moneys shall be appropriated for any purpose whatever except such as are expressly authorized by this act. **Only authorized appropriations to be made.**

SECTION 3. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a two thirds vote of the aldermen elect. **Penalties not to be remitted.**

SECTION 4. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent land marks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk, and recorded in the office of the register of deeds of Portage county. **New survey may be made.**

SECTION 5. The surveys and land marks so made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks in all cases in which they shall be drawn into controversy in all courts in this state. **Survey to be evidence.**

SECTION 6. The common council may, at such time as they may deem proper, establish the grades of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade; *provided, however*, that nothing in this section contained shall be so construed as to prevent the street committee of the several wards of the said city from ordering or causing to be done the grading of any street within their ward to a temporary grade to be established by such committee. **Power of council to establish grades of streets.**

SECTION 7. The city may have, purchase and hold real and personal estate, sufficient for the conveniences **City may hold real and personal property.**

of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by said city, shall be exempt from taxation.

All property subject to special tax.

SECTION 8. Real estate exempt from taxation by the laws of this state, shall be subject to special taxation as other real estate under this act.

Deeds to be made in name of city.

SECTION 9. When the city of Stevens Point deeds or leases any real estate or any interest therein owned by said city, the party of the first part shall be the city of Stevens Point, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Deeds and leases to be signed by mayor.

SECTION 10. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed, under and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to the said city. The said deed or lease shall be signed by the mayor of the city and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

Duty of city clerk in execution of deeds.

SECTION 11. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds, with said deed or lease, and such copy so attached and record thereof shall be in all courts of this state *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

When elections not held, or other things not done, at prescribed time

SECTION 12. If any election by the people for common council shall for any cause not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending, or absolving said corporation, but such election or organization may be held at any subsequent day by order of the common council; and if any of the duties enjoined by this act or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which said act may be done or performed.

Act not to be repealed by general laws.

SECTION 13. No general law of this state contravening the provisions of this act shall be considered as repealing, annulling or modifying the same, unless

such purposes be expressly set forth in such law as an amendment to this chapter.

SECTION 14. The common council shall have power to appropriate a sum not exceeding five hundred dollars to any public purpose they may deem proper, but no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen elect. Power of council to appropriate money.

SECTION 15. All moneys paid to the city on account of any or all licenses whatsoever, granted or issued by the common council of said city, including licenses for the sale of malt, spirituous or intoxicating liquors, shall be set apart as a special fund for the purpose of rebuilding the bridge across the Wisconsin river in said city, and from and after the completion and payment for said bridge, said moneys accruing from such licenses shall be applied to a sinking fund for the purpose of paying up the bonded indebtedness of the city. License money to be set aside as special fund.

SECTION 16. Every male inhabitant in the city of Stevens Point over twenty-one years of age, and under fifty, except active members of the fire department and those otherwise exempt by the general laws of this state, shall pay into the city treasury annually the sum of one dollar and fifty cents each, as a poll tax. It shall be the duty of the assessor of the city of Stevens Point, during the month of April of each year, to make out duplicate lists of all persons liable to said tax in the city of Stevens Point; and said assessor shall, on the last Monday of April of each year, deliver one of said lists to the city clerk and one to the treasurer of said city of Stevens Point. The said treasurer shall thereupon immediately proceed to collect the same. The moneys collected as herein provided for shall be kept as a distinct fund, and shall be expended for the benefit and improvement of the streets of the city of Stevens Point. The mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax, and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said lists shall be delivered to the treasurer as aforesaid. The city treasurer shall collect the same fees for collecting said tax as he does for collecting taxes assessed upon real and personal property; *provided*, that if any person desires to, he shall be permitted to perform one day's work upon the streets of the city in the ward in which he resides, and the certificate of the street committee, that such person has performed one Poll tax.

full day's labor shall be received by the city treasurer in full discharge of such tax.

Actions to be prosecuted in name of city.

SECTION 17. In all cases where an action might be brought by the city of Stevens Point against any person, company or corporation, such action may be commenced and prosecuted in the name of the city by any electors of said city; *provided*, that the complaint is made by any person other than a police officer of said city, sheriff of Portage county, or any officers of said city. The justice may, in his discretion, require seventy-five cents as in civil courts before justices of the peace.

City may use county jail.

SECTION 18. The use of the jail of Portage county, until otherwise provided, shall be granted to said city, for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery, the said sheriff shall be responsible, as in other cases.

Construction of act.

SECTION 19. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

Repealed.

SECTION 20. All acts or parts of acts inconsistent and conflicting with the provisions of this act, are hereby repealed; but the repeal of said acts, or parts of acts, shall not, in any manner affect, injure or invalidate any contract, claims, penalties or demands that may have been entered into, performed, commenced, or that may exist under or by virtue, or in pursuance of the said acts, or any former act incorporating the city of Stevens Point, or any of them, but the same shall exist and be enforced and carried out and completed, as fully and effectually, to all intents and purposes, as if this act had not been passed.

SECTION 21. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

[*Published March* 23, 1877.]

## CHAPTER 261.

AN ACT to amend section 41 of chapter 1 of chapter 148 of the general laws of Wisconsin for 1873, entitled "An act to incorporate the city of Boscobel, as amended by section 2 of chapter 84 of the general laws of Wisconsin for the year 1875."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 41 of chapter 1 of chapter 148 of the general laws of the state of Wisconsin, as amended by section 2 of chapter 84 of the general laws of the state of Wisconsin for the year 1875, is hereby amended so as to read as follows: Section 41. The common council shall have power to levy a highway tax, or tax for streets and bridges, of not exceeding seven mills on the dollar in each and every year, such tax to be collected and expended by or under the direction of the street commissioner of the city, on the roads and bridges within the corporate limits of said city, according to the direction or order of the common council, and in the collection thereof the said street commissioner may receive such a portion of such tax in labor or materials, in his discretion, as he can conveniently use in and about such roads and bridges, at the rates prescribed by the general laws of this state in relation to highways and bridges, and the said street commissioner shall notify all persons assessed and liable to pay such tax, who are residents of said city and can be found by him, as well as those assessed to pay poll tax, of the amount of such tax and of the portion thereof he can receive in labor or materials, and of the amount to be paid in money, at least six days before such labor, materials or money will be required, and before the collection thereof shall be enforced; and if any person assessed to pay such tax, and notified to pay a portion thereof in labor or materials, shall not be ready at the time and place appointed with such labor or materials, the said street commissioner may collect the whole thereof in money, and for the purpose of enforcing the collection of such tax or any portion of the same, the street commissioner shall have and possess all the powers conferred on overseers of highways by virtue of the general laws of this state, and may enforce the collection of such tax in the same

**Amended.**

**Power of council to levy highway tax.**

**Tax to be paid in labor and materials.**

manner as the collection of highway taxes is enforced by virtue of the general laws of this state, and the said street commissioner shall, on or before the 15th day of November in each and every year, make return in writing to the city clerk, of all delinquent or unpaid highway tax, or tax for streets and bridges, with the name of the person to whom and description of the property on which the same was assessed, and the city clerk shall extend the same on the tax roll of the city of Boscobel, to be collected with the general taxes of said city.

Repealed. SECTION 2. All acts and parts of acts, conflicting the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 262.

AN ACT to repeal chapter 213 of the private and local laws of 1869, entitled "An act to authorize the use of the moneys arising from the sale of certain swamp and overflowed lands in the county of Portage for drainage purposes, and to amend chapter 537 of the laws of 1865, relating thereto," and all acts amendatory thereto.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed. SECTION 1. Chapter 313 of the private and local laws of the state of Wisconsin for the year 1869, entitled "An act to authorize the use of the moneys arising from the sale of certain swamp and overflowed lands in the county of Portage for drainage purposes, and to amend chapter 537 of the laws of 1865, relating thereto," and all acts amendatory thereto are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

[*Published March* 22, 1877.]

## CHAPTER 263.

**AN ACT to amend sections 2, 8 and 10 of chapter 344 of the general laws of 1876, entitled "An act to codify and consolidate all laws in relation to town insurance companies."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 2, chapter 344, laws of 1876, is hereby amended by adding after the word "president," one secretary and one treasurer. Such treasurer shall, before entering upon the duties of his office, execute and file with the secretary of such company a bond, conditioned for the faithful discharge of the duties of his office, with two or more good and sufficient sureties, payable to such company, in the penal sum of not less than five thousand dollars, and in such further sum as such directors may order, such bond and sureties to be approved by the president and a majority of the directors of such company. **Amended.** **Duties of treasurer.**

SECTION 2. Section 8 of said chapter is hereby amended by adding at the end of said section: *provided, however*, that if any loss shall occur during the first eight months in any one year, the directors may, after the amount of such loss has been ascertained, by vote of a majority of the directors, at any meeting called for the purpose of making an assessment, hire an amount of money at a rate of interest not exceeding eight per cent., sufficient to pay such loss, and in such case they shall include the interest with such amount in their assessment, and may delay the secretary from issuing the aforesaid notices until such time as they may deem best, but no later than the first day of October following such loss. **Amended.** **Directors may borrow money.**

SECTION 3. Section 10 of said chapter is hereby amended by adding after the word "majority," the words "of two thirds of all the shares or stock composing such company, present at such meeting, and all acts to which this section is amendatory shall be construed so as not to disorganize any town insurance company organized under the laws of 1874, and all acts and proceedings of such town insurance companies are hereby legalized, and declared valid to all intents and purposes." **Amended.** **Acts legalized.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

[*Published March* 22, 1877]

## CHAPTER 264.

AN ACT to guard against the abuse of the elective franchise and to preserve the purity of elections by regulating the appointment of inspectors of election and requiring a registration of electors in certain cases, and to repeal chapter 445 of the laws of 1864, chapter 296 of the laws of 1865, chapter 126 of the laws of 1866, chapter 134 of the laws of 1871, chapter 233 of the laws of 1875, and chapter 302 of the laws of 1876, and amendatory of certain city and village charters therein referred to.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Mayors of cities and presidents of villages to present names of persons for inspectors and clerks of elections.

SECTION 1. The mayor of every incorporated city and the president of every incorporated village in this state, except in the cases hereinafter mentioned, shall present to the common council of such city, or the board of trustees of such village, at their first regular meeting in September of each year, and in case such common council or board of trustees hold no regular meeting during September, then at a special meeting of such common council or board of trustees, which shall be held the last Tuesday in September of each year, the names of three persons for inspectors of elections, and the names of two persons for clerks of elections, for each election precinct in said city or village. Such inspectors shall be electors in the ward for which they shall be appointed inspectors; shall be able to read and write the English language understandingly; shall not be candidates to be voted for at any election for which they may be appointed inspectors; and not more than two of such inspectors shall belong to the same political party. Such clerks shall be electors in the ward for which they shall be appointed clerks; shall be able to read and write the English language understandingly; shall not be candidates to be voted for at any election for which they may be appointed clerks, and shall be of opposing political parties. Such common council or board of trustees, upon presentation of such nominations for inspectors and clerks of elections, shall immediately proceed to approve or disapprove of the same, and in case a majority of said common council or board of trustees shall disapprove of any person so nominated, the mayor or president shall then and there nominate another person for such position, and shall so continue to do until said board of three inspectors and two clerks for each election precinct in said

Qualifications of inspectors and clerks.

Common council or board of trustees to confirm or reject appointments.

city or village shall have been nominated and confirmed; and such nominations and confirmations shall be made and concluded on the day aforesaid, and when so made and concluded, such board of inspectors and clerks shall possess the qualifications, and be composed of persons known to belong to the different political parties as hereinbefore provided. The persons so appointed inspectors and clerks of election shall hold their positions during one year; they shall act as inspectors and clerks at every general, municipal or special election held within their precinct during such time; they shall receive such compensation for their services, and be liable to such penalties for any violation of their duties, as is provided by law for inspectors and clerks of elections in other cases. Such board of inspectors shall have power to fill any vacancy in their number, or in the number of the clerks, but the person so appointed to fill a vacancy shall be of the same political party, and possess the same qualifications as the person he succeeds. In all incorporated cities or villages in this state, which are joined to towns for state and county purposes, the inspectors of elections appointed by law in such towns, cities or villages, shall, in addition to the general duties imposed upon them as such inspectors, discharge the further duties imposed upon the inspectors of elections by this act.

**Terms, qualifications and duties of inspectors and clerks.**

**Additional duties of inspectors in certain cases.**

SECTION 2. The persons authorized by law to act as inspectors of elections in any ward or election precinct, in any incorporated city or village, or in any town in which is situated any incorporated city or village in this state, shall constitute a board of registry for their respective towns, wards, precincts or villages, and their duties as such boards of registry shall be as follows, viz.: To make at such times and in such manner as hereinafter prescribed, a list of all the persons qualified and entitled to vote at the then ensuing election, in the election district of which they are inspectors. The said inspectors shall have their first meeting on Tuesday, four weeks preceding each general election, at the place where said election is to be held, and shall then have power to sit four days, if necessary, for the purpose of making such list; they shall meet at nine o'clock in the forenoon and hold their meetings open until nine o'clock in the evening of each day during which they shall so sit, and the clerks appointed by law to act as clerks of elections shall act as clerks of the board of registry.

**Inspectors to form board of registry.**

**Duties of board of registry.**

**First meeting of same.**

Election registers—how made and what to contain.

SECTION 3. Said registers shall each contain a list of the persons so qualified and entitled to vote in said election district, alphabetically arranged according to their respective surnames, so as to show in one column the name at full length, and in another column, in cities and incorporated villages, the residence by the number of the dwelling, if there be a number, and the name of the street or other location of the dwelling place of each person. It shall be the duty of said inspectors to enter in said lists the names of all persons residing in their election districts, whose names appear on the poll list kept in said district at the last preceding general election, and in cities or incorporated villages the number of the dwelling and name of street or other location, if the same shall be known to or can be ascertained by such inspectors; and for this purpose said inspectors are authorized to take from the office in which they are filed, the poll lists made and filed by the inspectors of such district at the general election held next prior to the making of such register. In making said list the board shall enter thereon, in addition to the names on the poll list, the names of all other persons who are well known to them to be electors in said district; and the names of all persons on said poll list, who have died or removed from the district, shall be omitted from said register. The said inspectors shall complete as far as practicable, the said register at their first meeting as aforesaid, and shall make four copies thereof, and shall certify the register and each of the copies to be a true list of the voters in their district so far as the same are known to them. Within two days thereafter, the said original list, together with the poll list taken from the office as aforesaid, shall be filed by said inspectors in the office of the town clerk of the town in which such election district may be, or if such election district is a village, then they shall be filed in the office of the village clerk; or if such election district is in a city, then they shall be filed in the office of the city clerk of said city; and one copy of said list shall be kept by each of said inspectors, and carefully preserved by him for their use on the day or days hereinafter mentioned, for the revision and correction of the same. One copy of said list shall, immediately after its completion, be posted in some conspicuous place in the room in which such meeting shall be held, and be accessible to any elector who may desire to examine the same, or make copies thereof. The inspectors shall cause in addition ten

Copies of register to be made.

Original list to be filed with town, village or city clerk.

How duplicate copies of list to be disposed of.

printed copies of said list to be posted up in ten of the different and most public places within such election district.

Printed copies of list to be posted up.

SECTION 4. In case a new election district shall be formed by the division of any ward, or the incorporation of a city or village, the inspectors of election in the new district thus formed may make their registry of electors on the days prescribed by this act, in such manner as a majority of the inspectors may direct; and for that purpose may make a list or cause to be made, a certified copy of the poll list or lists of the district or districts in which such new district is situated; or they may dispense with such list or lists, and proceed to make a register of electors from the best means at their command. Said list shall only embrace the names of such persons as are known to them to be electors in their district, and shall be posted up and copies thereof made as prescribed in the preceding section, and shall be corrected in the same manner that other lists are corrected.

In case of formation of new election district

SECTION 5. The said board shall meet on Tuesday, two weeks preceding the general election, in their respective election districts, at the place designated for holding the polls of election, for the purpose of revising, correcting and completing said lists; and for this purpose they shall meet at nine o'clock in the morning, and remain in session until nine o'clock P. M. on that day and the day following.

Meeting of board to revise lists.

SECTION 6. The proceedings of said board shall be open, and all persons residing and entitled to vote in said district shall be entitled to be heard by said inspectors in relation to corrections or additions to said register. One of the lists so kept by inspectors as aforesaid, shall be used by them on the days of making corrections or additions, for the purpose of completing the registry for said district.

Proceedings of board to be public.

SECTION 7. It shall be the duty of said inspectors at their meeting for revising and correcting said lists, to erase therefrom the name of any person inserted therein who shall be proved by the oath of two legal voters of said district, to the satisfaction of said inspectors, to be a non-resident of said district or otherwise not entitled to vote in said district at the election then next to be held. Any elector residing in said district and entitled to vote therein, may appear before said board of inspectors and require his name to be recorded on said alphabetical list. Any person so requiring his name to be entered on said list, shall make the same state-

Duty of inspectors to erase names of persons proved to be nonresidents.

Right of elector to require his name to be placed on list.

Same to answer questions put to him.

ment as to the street and number thereof and where he resides, required by the provisions of this act of persons offering their votes at the election, and shall be subject to the same penalties for refusing to give such information, or for falsely giving the same, and shall also be subject to challenge, either by the inspectors or either of them, or by any other elector whose name appears on said alphabetical list, and the same oaths may be administered by the inspectors as now provided against persons offering to vote at an election; and in case no challenge is made of any person requiring his name to be entered on said alphabetical list or in case of challenge, if such person shall make an oath that would entitle him to vote in case of challenge at an election, then the name of any such person shall be added to the alphabetical poll list of the last preceding year. Any person who is not twenty-one years of age on either of these days when the register is completed, but will be if he should live until the day of election, may have his name put on said register, provided he is otherwise qualified to be an elector.

Persons who will be of age on election day to be registered.

No names to be added to list after completion.

SECTION 8. After said lists shall have been fully completed, upon the days before mentioned, no names shall be added thereto by any person or upon any pretext, and the said inspectors shall within three days thereafter cause four copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of their district, one of which shall be filed in the office of the town clerk of towns, in the office of village clerk in villages, and in the office of city clerk in cities, and one of which copies shall be delivered to each of said inspectors. Said inspectors shall, in addition to the foregoing, cause to be printed within one week from the completion of said register, such number as they may determine, but not less than fifty nor more than one hundred copies of such register, together with the residence of every person whose name appears thereon; and of the lists of names so printed, one-half shall be delivered not later than Wednesday preceding each election to the respective chairmen of the town, village or ward committees of the principal opposing political parties. It shall be the duty of said inspectors so receiving such completed lists as aforesaid, carefully to preserve the said lists for their use on election day, and to designate two of their number at the opening of the polls to check the name of every voter voting in such district whose name is on the reg-

Copies of list to be made, and how disposed of.

Register to be printed and distributed.

ister. No vote shall be received at any general election in this state, unless the name of the person offering to vote be on the said register as completed on Tuesday, two weeks preceding the election, and Wednesday, the day following, as provided in section five (5) of this act, except as herein provided. In case any one shall after the last day for completing said register, and before such election, become a qualified voter of the election district, he shall have the same right to vote therein at such election, as he would have had if his name had been duly registered in said register; *provided*, he shall before or at the time he offers to vote, deliver to the inspectors his own affidavit, in which he shall state the facts showing that he has since the completion of said register, become a qualified elector of such district, and the facts showing that he was not such elector on the day said register was completed, and he shall also deliver to such inspectors with his own affidavit the affidavits of two freeholders of such election district, corroborating in detail the material statements in his own affidavit. No one freeholder shall be competent to make at any one election corroborating affidavits for more than three voters. All of said affidavits shall be sworn to before some officer authorized by the laws of Wisconsin to take depositions. The inspectors shall keep a list of the names and residence of the electors voting whose names are not on said completed register, and attach such list to the register and return it together with all the affidavits aforesaid to the town, village or city clerk's office in which such election district may be. Any person whose name is on the register, may be challenged, and the same oaths shall be put as now are or hereafter may be prescribed by law.

**No vote to be received unless elector is registered, except in certain cases.**

**How and by whom affidavits to be made.**

SECTION 9. The clerks at each poll, in addition to the duties now prescribed by law, shall enter on the poll list kept by them, in columns prepared for that purpose, opposite the name of each person voting, the same statement or minute as hereinbefore required of inspectors in making the registry. Every elector at the time of offering his vote shall truly state the street in which he resides, and if the house, lodging or tenement in which he resides is numbered, the number thereof, and the clerks of the polls shall truly enter in the appropriate column of the poll list, opposite the name of the elector, the street in which the elector resides, and the number in case the house, lodging or tenement is numbered; and if the same is not num-

**Clerks to enter statement on poll list.**

**Elector to make statement as to residence, and clerk to enter same.**

bered, then the clerk shall enter "not numbered" in the column of the poll list for entering the number. In case of refusal to make the statement as aforesaid, the vote of such elector shall not be received. Any person who shall willfully make any false statement in relation thereto shall be deemed guilty of misdemeanor, and shall, upon conviction, be punished with a fine of fifty dollars, or by imprisonment in the county jail of the county for a period of ten days, or by both such fine and imprisonment.

**Disposition of registers after canvass of votes.**

SECTION 10. After the canvass of the votes, one of said poll lists and said registers so kept and checked as aforesaid shall be attached together, and shall on the following day be filed in the town, village or city clerk's office (as the case may be), in which said district may be, to be used by the inspectors in making the list of voters at the next general election. The other of said poll lists and registers so kept and checked shall be returned to the office of the county clerk of the county in which such district may be, at the same time the returns of the election are made.

**Registers to be open for inspection.**

SECTION 11. The registers shall at all times be open to public inspection at the office of the authorities in which they shall be deposited, without charge.

**Compensation of clerks and inspectors.**

SECTION 12. The members of the board of registration and their clerks shall each receive the same compensation as is now allowed by law for inspectors of election for each day actually employed in the making and completion of the registry, to be paid to them at the time and in the manner in which they are paid their other fees.

**Power of board in preserving order.**

SECTION 13. The said board shall have and exercise the same power for preserving order at their meetings under this act as is given to inspectors of election for preserving order on election days.

**Penalty for false registration.**

SECTION 14. Any person who shall cause his name to be registered in more than one election district, or who shall cause his name to be registered, knowing that he is not a qualified voter in the district where such registry is made, or who shall falsely personate any registered voter, and any person causing, aiding or abetting any person in any manner in either of said acts, shall be punished for each and every offense by imprisonment in the state prison for not less than one year. All false swearing before said board of registration, or in making affidavits required by this act, shall be deemed willful and corrupt perjury, and on conviction punished as such. If any member or officer

of said board shall willfully violate any of the provisions of this act, or be guilty of any fraud in the execution of the duties of his office, he shall be punished for each and every offense by imprisonment in the state prison for not less than one year.

Penalty for violation of act by officer of election.

SECTION 15. The secretary of state shall cause this law to be printed in pamphlet form with suitable forms and instructions for carrying it into effect, together with the general election law of the state, and a sufficient number of copies thereof sent to each clerk of the board of supervisors in every county in this state to supply each of the officers named in this act with a copy; and it shall be the duty of each of said clerks immediately to transmit a copy of the same to each of the inspectors of election in his county.

Duty of secretary of state to cause election laws to be printed and distributed.

SECTION 16. The necessary blanks for making the registers required by this law shall be prepared by the secretary of state and transmitted to the persons entitled to receive them in the same manner that blank returns of elections are now transmitted.

Same to furnish blank registers

SECTION 17. Chapter 445 of the laws of 1864, chapter 296 of the laws of 1865, chapter 126 of the laws of 1866, chapter 134 of the laws of 1871, chapter 232 of the laws of 1875, and chapter 302 of the laws of 1876, are hereby repealed, and section one (1) of this act shall be taken and held to be an amendment in respect to the matters contained therein, of every city and village charter in this state.

Repealed.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 22, 1877.]

## CHAPTER 265.

**AN ACT to amend section 44, of chapter 165, of the revised statutes, entitled "Of offenses against property," and the act amendatory thereof.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 44, of chapter 165, of the revised statutes, entitled "Of offenses against property," as amended by section 1, of chapter 211, of the general laws of 1862, entitled "An act to amend section 44, of

Amended.

Penalty for cruelty to animals.

chapter 165, of the revised statutes," entitled "Of offenses against property," is hereby amended to read as follows: Section 44. Every person who shall wantonly, or willfully and maliciously kill, maim or disfigure any horses, cattle, or other beasts of another person, or shall willfully or maliciously administer poison to any such beasts, or expose any poisonous substances with the intent that the same may be taken or swallowed by them, or shall wantonly, or willfully and maliciously destroy or injure the personal property of another, in any manner, or by any means not particularly mentioned or described in this chapter, shall be punished by imprisonment in the county jail or in the state prison, in the discretion of the court, not more than two years nor less than thirty days, or by fine not exceeding five hundred dollars nor less than twenty dollars; *provided*, that in case such personal property shall not exceed the value of ten dollars, such person or persons shall be punished by fine not less than five nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days; and in such case every justice of the peace shall have concurrent jurisdiction in his county, with the circuit court.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 19, 1877.]

## CHAPTER 266.

AN ACT relating to the public printing, amendatory of section 16, of chapter 243 of the laws of 1874.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section sixteen of chapter two hundred and forty-three of the laws of 1874, is hereby amended so as to read as follows: Section 16. The laws passed at each and every session of the legislature from and after the passage of this act shall be printed on good book paper, of medium octavo size, on neat small pica type, and shall be designated under one general name of "the laws of Wisconsin," and shall be numbered by the secretary of state in consecutive chapters, as they are received from the governor, without reference

How laws to be published.

to the subject matter of said laws, and shall be printed and bound in one volume; *provided, however*, should the number of pages exceed twelve hundred, the commissioners of public printing may, should they deem it advisable, order the state printer to bind said laws in two volumes, as nearly equal in size as may be, each volume to be indexed separately, and to be entitled volume one and volume two respectively. Each act, as it is printed, shall be compared by the secretary of state with the original enrolled act, and at the end of the volume or volumes the said secretary of state shall annex his certificate, certifying that he has compared the printed copy with the original enrolled act, and that it appears to be correctly printed.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 267.

**AN ACT to improve the Cunningham creek, in Clark county, Wisconsin, and to grant to Chauncey Blakeslee, his heirs or assigns, certain powers and privileges therein named.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Authority to improve Cunningham creek.**

SECTION 1. For the purpose of improving the Cunningham creek, in Clark county, Wisconsin, so as to facilitate the driving and floating of logs and timber down said creek through and out of said county, it is hereby provided and enacted that Chauncey Blakeslee, of Sparta, Monroe county, Wisconsin, his heirs or assigns, if he or they shall improve said creek in said county, by cleaning and straightening its channel, closing sloughs, or in erecting dams for the purpose of flooding, and creating reservoirs of water, for driving purposes, and shall keep in repair and operate the same, so as to render the floating and driving of logs and timber down said creek through said county, from the south line of township number twenty-four north, of range number one west, to a point in section twenty-seven, in township number twenty-four north, of range number two west, in said county, where said Cunningham creek empties into Black river, shall be entitled

Rates of toll.

to receive and may charge and collect for such service, in toll, twenty cents per thousand feet, board measure, for and upon all logs and timber put in said branch of said creek, designed and intended to be run out of the same; the amount of said logs and timber to be determined by and under the direction of the lumber inspector of lumber district number 2, or one of his deputies, or by the mutual agreement of both parties.

Charges for toll to be lien on logs and timber.

SECTION 2. For any tolls or charges as herein provided, which shall remain due and unpaid, the said Chauncey Blakeslee, his heirs and assigns, shall have a lien upon and on all such logs or timber upon which such tolls or charges, or any part thereof, shall remain unpaid, and may enforce such lien in the same manner as other liens for services and labor are enforced under the laws of the state of Wisconsin relating to the subject of liens for labor and services upon logs and lumber in said state.

Logs may be seized and held

SECTION 3. For the purpose of enforcing the collection of said tolls and charges, the said Chauncey Blakeslee, his heirs or assigns, may seize, hold and detain such logs at any place or point on said Cunningham creek, or upon the Black river, in said state of Wisconsin, until such tolls and charges are paid.

SECTION 4. This act shall take effect and be in force from and after its passage and publication; and all acts or parts of acts conflicting with this act are hereby repealed.

Approved March 8, 1877.

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[*Published March 22, 1877*]

## CHAPTER 268.

**AN ACT to regulate the practice in certain cases.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

When application may be made to file and serve answer in certain cases.

SECTION 1. In any and all cases now pending in any court of this state or which shall hereafter be brought therein, in which a party has appeared before the time for answering expired, and judgment has been or shall be entered before the time for answering has expired, without giving the full five days' notice of application for judgment, an application may be made at

any time within one year after the docketing of said judgment, to file and serve an answer.

SECTION 2. Upon such application being made the court in which said judgment is entered, or shall be entered, shall allow the moving party to file and serve a verified answer, and upon the filing and service of such verified answer, the said cause shall stand for trial the same as if the answer had been served in the first instance, and if on a trial of the issue made by the answer, the defendant shall establish a defense to the whole of the plaintiff's claim, it shall be the duty of the court to annul, vacate and set aside the judgment, or if the defendant shall establish a defense to only a part of the claim of the plaintiff, then the said judgment shall remain in full force as to so much and such parts thereof as the defendant fails to establish a defense.

Upon filing and service of answer, cause to stand for trial.

When duty of court to set aside judgment

SECTION 3. This act shall take effect from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 269.

AN ACT relating to iron ore, and to the assessment for taxation of lands containing such ore.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. In determining the value for the purpose of taxation of any lands containing or supposed to contain iron ore, the assessor shall value such real estate in the manner provided by law for the valuation of real property, without regard to such ore, except as hereinafter provided.

How value of land containing iron ore to be determined.

SECTION 2. It is hereby made the duty of the owner or owners of such real estate as well as the person or persons, or corporation or corporations mining on the same, or leasing or occupying the same, to prepare and deliver to the assessor a statement in writing under oath showing the gross amount of such ore mined, produced or taken from said real estate during the year immediately preceding such assessment, together with the gross value thereof; and the cost of mining, producing or taking out the same; and the assessor may

Owners of land to make statement to assessor, showing amount of ore mined, etc.

Assessor may secure other information.

procure from any source within his reach any other information he may deem necessary to enable him to arrive at the correct amount of ore so mined, produced or taken from said real estate within the said time, the gross value thereof and the cost of mining, producing or taking out the same, and from such information he shall fix the net value of such ore, so mined or taken from, or produced by said real estate, after deducting from the gross value thereof the actual cost of mining, producing or taking out the same; and shall add the same to the value of said real estate for the purposes of taxation, and such real estate shall be taxed thereupon for that year, in addition to the taxes assessed and levied upon such land, and the tax so levied thereupon, shall be collected with and as a part of the tax on said real estate.

Assessor to use his own judgment when statement not made by owner of land.

SECTION 3. In case the owner or owners of such real estate, or the person or persons, or corporation mining upon, occupying or leasing the same, shall refuse or neglect to make out and deliver to such assessor the written report hereinbefore provided for, the assessor may assess the value of such ore, so mined, taken or produced from said lands within the preceding year at such sum as in his judgment will be the full value thereof, and in that event he shall not allow or deduct from such value the cost of mining, producing or taking out the same.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 270.

AN ACT to authorize Albert M. Woodbury to build and maintain a pontoon bridge across the Wisconsin river from some point in the northwest quarter of section No. nineteen (19), in township No. eight (8) north, of range No. three (3) east, in Iowa county, Wisconsin, to some point in section No. twelve (12), in township No. nine (9) north, of range No. three (3) east, in Sauk county, Wisconsin.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to construct and

SECTION 1. Albert M. Woodbury and his associates, representatives and assigns, are hereby authorized and

empowered to build, construct and maintain a pontoon bridge across the Wisconsin river, from some point in the northwest quarter of section number nineteen (19), in township number 8 north, of range number 3 east, in Iowa county, Wisconsin, to some point in section number 12, in township number 9 north, of range number 3 east, in Sauk county, Wisconsin, the precise locality to be determined by the said Albert M. Woodbury, his associates or assigns; *provided*, the said A. M. Woodbury, his associates and assigns, shall build and complete said bridge before the first day of January, 1878.

**maintain pontoon bridge.**

SECTION 2. Said bridge shall be constructed with a pontoon or draw one hundred and fifty feet in width across the main channel of the river, which draw shall be suitably flanked by sheer booms, and said structure shall at all times be kept and managed so as to offer safe and proper means for the passage of boats, vessels, rafts and logs through said structure without delay.

**How bridge to be constructed.**

SECTION 3. Whenever said Albert M. Woodbury, his associates or assigns, shall have completed said bridge, it shall be lawful for them and they are hereby authorized and empowered to demand and collect tolls for passing over said bridge, at rates not exceeding the following: For any vehicle drawn by horses, mules or oxen, twenty-five cents; for horses or cattle in droves of ten or less, five cents a head; when the same are in droves of more than ten, three cents a head; sheep and hogs in droves of ten or less, three cents a head; if in droves of more than ten, two cents a head; and for each footman, five cents.

**Rates of toll that may be collected.**

SECTION 4. Any person who shall forcibly, or in any manner pass over said bridge authorized by this act to be constructed, without paying the toll hereby authorized to be collected for passing over said bridge, shall be guilty of trespass, and for such offense shall forfeit the sum of ten dollars to and for the use of said Albert M. Woodbury, his associates or assigns, to be recovered with costs as in other actions in tort, in any court in either of said counties of Sauk and Iowa, or any court of competent jurisdiction.

**Penalty for passing bridge without paying toll.**

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

[*Published March* 15, 1876.]

## CHAPTER 271.

AN ACT relating to the size of the mesh used in trap or pound nets.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Unlawful to use net with meshes above a certain size.

SECTION 1. It shall be unlawful for any person to fish in the waters of Lake Michigan within this state, or in the waters of Green Bay at any point on the east shore of said Green Bay, with any trap or pound net, the meshes of the pot of which are less than one and a half inches from knot to knot, or in technical language the pot shall be of three inch mesh, except in cases where such trap or pound nets are now in use, the sides of the pot only shall be of three inch mesh as specified above.

Penalty for violation of act.

SECTION 2. Any person violating the provisions of the preceding section, shall be punished by a fine of ten (10) dollars a day and costs of prosecution for each and every day during which such net shall be set.

Jurisdiction of justices.

SECTION 3. Justices of the peace shall have jurisdiction to try cases arising under this act, within the limits of their respective counties, and of any fines recovered for violations of this act, one half shall go to the informant and one half shall go into the county poor fund of the county in which such case shall have arisen.

SECTION 4. This act shall take effect and be in force one year from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 272.

AN ACT to appropriate a sum of money therein named to pay for chaplain service in the legislature for the year 1877.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated, out of any money in the general fund, not otherwise appropriated the sum of twenty-five dollars for each and every

clergyman officiating as chaplain for the legislature of 1877; *provided* this act shall not apply to any except resident clergymen.

SECTION 2. The chief clerks of the senate and assembly shall certify to the secretary of state the names of the several clergymen who have officiated as chaplains during the session of 1877; whereupon the secretary of state shall issue his warrant in equal sums to the several individuals who have officiated as chaplains. **Duties of chief clerks of senate and assembly.**

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 273.

**AN ACT to appropriate to Henry Fink a sum of money therein named.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to Henry Fink, from the general fund, out of any money not otherwise appropriated, the sum of three hundred and fifty (350) dollars, for his disbursements in the contested election case of Henry Fink against Peter Salentine. **Appropriation.**

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 274.

**AN ACT to appropriate to Yates V. Beebe a sum of money.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to Yates V. Beebe, from the general fund, out of any money not **Appropriation.**

heretofore appropriated, the sum of one hundred and ninety-five dollars and twenty-five cents, for his pay as lieutenant in the service of the state previous to his muster in the service of the United States.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 22, 1877.]

## CHAPTER 275.

AN ACT to appropriate to John M. Bowman, Wm. Vroman and T. Brown a sum of money.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated the sum of one hundred and fifty-three dollars to John M. Bowman, William Vroman and T. Brown, in full for their services as commissioners, appointed by the governor under chapter 409 of the laws of 1876, in the matter of N. McNeal's claim against the state.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 276.

AN ACT to appropriate to Peter Feagan a sum of money therein named.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated to Peter Fagan, from the general fund, out of any money not otherwise appropriated, the sum of three hundred and nine dollars and forty-seven cents ($309.47), for his pay as second lieutenant in the service of the state previous to his muster in the service of the United States.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 277.

AN ACT relating to the duties of the city clerk and city treasurer of the city of Watertown, in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. It shall be the duty of the clerk of the city of Watertown, in making the annual tax roll, and also of the city treasurer, in making out the tax receipts, to carry out opposite each assessed valuation, in separate columns, the percentage and amount of tax levied for each particular purpose, besides the aggregate amount as now required by law. **Duty of city clerk.**

SECTION 2. This act shall be in force from and after its passage.

Approved March 8, 1877.

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[*Published March* 22, 1877.]

## CHAPTER 278.

AN ACT to provide for the establishment of a hospital and school for imbeciles, idiotic or feeble minded children.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The state board of charities and reform is authorized and directed to inquire into the necessity and expediency of organizing a school for the instruction and training of feeble minded or idiotic children, and to ascertain as nearly as practicable the number of such children in this state who are of proper school age, and who could probably be benefited by a school adapted to their peculiar wants, with such other facts as may appear necessary, including the residence, condition, means of support and age of such children. **Duties of Board of Charities and Reform to make report upon education of feeble minded children.**

Duties of county, town and school officers.

SECTION 2. It shall be the duty of all county, town and school district officers to furnish to said board of charities and reform any information in their possession having relation to the matters named in the first section hereof, when required so to do by the said board.

Duty of board to select site for school and report to legislature.

SECTION 3. Should the said board arrive at the conclusion that it is expedient and necessary that such school for feeble minded and idiotic children be established, then it shall be the duty of the said board to select a suitable site, to ascertain the price for which the same can be purchased, and to make a report to the next legislature, embodying the results of the investigations required by this act, with the reasons governing the board in the selection of a site. The said report shall also include or be accompanied by a bill providing for the erection of suitable buildings for said school, on the grounds selected for that purpose.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 279.

AN ACT declaring certain portions of Spring street road, in the town of Wauwatosa, a county highway, and providing for the improvement thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Spring street road to be made county highway.

SECTION 1. That certain portions of the Milwaukee and Blue Mound road, commonly called Spring street road, in the town of Wauwatosa, between the present westerly city limits of the city of Milwaukee and the westerly boundary line of the Calvary cemetery, is hereby declared and henceforth made a county highway, and as such shall cease to be under the charge and superintendence of the officers of the town of Wauwatosa.

Chicago, Milwaukee and St. Paul Railway Company required to build bridge.

SECTION 2. The Chicago, Milwaukee and St. Paul Railway Company is hereby required to erect and maintain an iron bridge at the crossing of said Spring street road over its tracks, forty feet in width, thirty feet of which shall be for a roadway in the center, and

five feet on each side for sidewalks, with suitable stone abutments, sufficient to maintain, protect and preserve the earth embankments for approaching said bridge, which bridge shall be sixteen feet clear of the tracks of said railway.

SECTION 3. The county board of supervisors of Milwaukee county is hereby required to cause to be constructed during the year 1877, suitable and convenient approaches to said bridge, which approaches shall not be less than sixty feet in width on the top, and shall slope one and one-half feet to one foot of elevation, and graded to a convenient grade, not exceeding five feet in one hundred on the east approach, and not exceeding six feet in one hundred on the west approach to said bridge, which grade on the west approach shall be extended westerly along the line of said Spring street road on a level with said bridge, not less than one hundred feet, and then ascending not exceeding six feet in one hundred, it shall be continued until it shall intersect the present grade of said road, and it shall be continued thence by excavation, ascending not exceeding six feet in one hundred until it shall again intersect the present grade of said road westerly of the bluff at or near the residence of H. F. Story, and the said board of supervisors shall cause said highway within the limits and boundaries above mentioned to be opened, graded, with a grade no where to exceed six feet in one hundred feet, the roadway to be graveled, and the sidewalks to be planked, and thereafter to be repaired and maintained, so as to afford a safe and convenient passage for vehicle and foot travelers.

**County board to construct approaches to bridge.**

SECTION 4. The said county board of supervisors shall forthwith cause to be made a plan of such approaches, and an estimate of the cost of said improvements, and prior to the first day of May, 1877, it shall advertise for proposals, in one or more daily newspapers published in the city of Milwaukee, for at least ten days; and before the first day of June, 1877, it shall let such work to the lowest responsible bidder, from whom it shall require bonds for the faithful performance of the contract, and completion of the work on or before the first day of November, 1877, in a penalty equal to the estimated cost of the work.

**Board to make plan of approaches and to let contract for construction of same.**

SECTION 5. The county board of supervisors of Milwaukee county shall annually levy a tax sufficient to cover all purposes and objects of this act.

**Tax to be levied to cover purposes of act.**

SECTION 6. If by improving said highway in the manner aforesaid, any damage be sustained by any per-

**Payment of damages.**

son or persons owning lands adjoining such highway, at the place or portion of such highway being so improved according to the terms of this act, then and in such case the damages so sustained shall be paid out of the treasury of the county.

Duty of railroad company to build stone abutments.

SECTION 7. It is made the duty of the Chicago, Milwaukee and St. Paul Railway Company, within sixty days from the letting of the contract by the county board of supervisors to build the stone abutments provided for in section two of this act, and to complete said viaduct and bridge with all reasonable dispatch.

SECTION 8. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

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[*Published March 23, 1877.*]

## CHAPTER 280.

**AN ACT in relation to the release of dower in real estate by insane persons.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Husband of insane wife may petition to mortgage, or dispose of estate in which wife has dower interest.

SECTION 1. Whenever any married man shall, by petition duly verified by his oath, represent to the circuit court of the county in which he resides that his wife is insane, and that he is the owner of real estate in which his wife has an inchoate dower interest, and that it would be for his interest to mortgage, convey or otherwise dispose of any or all of said real estate or any interest therein, or that he has mortgaged, conveyed or otherwise disposed of any such real estate or any interest therein, and praying for an order authorizing the husband or some other person to execute a deed or deeds of any such real estate for said wife, relinquishing the dower or homestead interest of such wife therein, the court shall by order appoint some certain time and place for the hearing of said petition, not more than sixty nor less than twenty days from the time of filing such petition, a copy of which petition and order shall be served on such wife and next of kin, if any, at least twenty days before the time so appointed, and shall also appoint some suitable and discreet person to act as the guardian for such wife in relation to said application and the matters therein em-

Duty of court to hear petition and appoint guardian for wife.

braced, upon whom a copy of said petition and order shall be personally served at least fifteen days before the time fixed for such hearing. It shall be the duty of such guardian to ascertain as to the propriety, good faith and necessity of the prayer of the petitioner being granted, and he shall have power to resist said application and subpœna witnesses and take depositions to disprove the allegations of said petition, or to show the impropriety of granting the prayer thereof.

**Duty of guardian.**

SECTION 2. If any such wife shall not be a resident of this state, such order or petition shall be served on her at least ninety days and on the guardian so appointed at least sixty days before the time appointed for such hearing, and no such application shall be granted except upon a hearing and proofs produced in open court showing that said wife is insane, and the propriety, good faith and necessity thereof, and that the same will be for her benefit; and upon the hearing thereof such court shall have the power and it shall be its duty to require as a condition of granting the prayer thereof that such sum shall be secured for the use and benefit of said wife out of the estate of such husband or the proceeds of such real estate as a condition and consideration for the relinquishment of such homestead or dower right in such manner as the court shall direct and prescribe, as the court shall under all the circumstances of the case deem just and proper, regard being had to the station and condition in life of the said husband and wife.

**When wife not a resident of this state, order to be served on her.**

**Court to require provision for benefit of wife.**

SECTION 3. Upon the hearing of said petition, if the court shall be satisfied that the same is made in good faith, and that the prayer of said petitioner ought to be granted, it shall make a decree directing the execution of a deed of relinquishment to the proper party or parties of such dower right, as the case may be, and fixing the terms and conditions pursuant to the act, upon compliance with which the same shall be executed, and shall direct in such event, said husband or such other person as the court shall designate, to execute in the name of such wife a proper deed or deeds of relinquishment to the proper party or parties of the dower right of the wife in or to any lands so mortgaged, sold or conveyed by such husband during her insanity, or to any lands he may desire to mortgage, sell and convey, while she is so insane, specified and described in such decree.

**Duty of court in granting petition.**

SECTION 4. It shall be lawful and competent at the hearing of such petition for such wife or her guardian

**Right of wife to deny allegations of petition**

to deny by answer any or all of the allegations of said petition, and if demanded by her or her guardian, the issue thereon shall be tried, after being settled by the court, by a jury in like manner as in other cases, and either party may appeal from any decree made on such petition in like manner and subject to the same conditions as from judgments in civil actions.

Court may require security for support of wife.

SECTION 5. The court may, before rendering a decree for such relinquishment of dower, require the said husband to execute a bond, with sufficient sureties to such guardian in such sum as it shall deem reasonable, conditioned for the support and maintenance of such insane wife, and that if such insane wife shall survive her said husband, then that there shall be paid to her annually, during her life, for her sole use and benefit, such sum as the court shall deem just and reasonable.

Validity of deeds of relinquishment.

SECTION 6. All deeds of relinquishment executed under and in pursuance of such decree, as herein provided, shall be valid in law, and shall convey all the dower interest of such insane wife in and to any and all real estate so sold and conveyed by said husband during her insanity, and shall forever bar and preclude her from asserting any claim for dower in or to the same and each and every part thereof; but any power so granted for the relinquishment and barring her dower interest therein shall cease and become void as soon as such wife shall become sane and of sound mind, and shall apply to revoke said decree, and said decree shall be revoked, but such revocation thereof shall in no wise affect any conveyance or relinquishment previously made thereunder.

Relinquishment of dower by wife in estate of insane husband.

SECTION 7. If any real estate of an insane husband shall be sold by his guardian by order of court, the wife of such insane husband may relinquish her dower in such real estate by a separate release or conveyance.

Repealed.

SECTION 8. All acts and parts of acts contravening the provisions of this act are hereby repealed, and this act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

[*Published March* 22, 1877.]

## CHAPTER 281.

**AN ACT relating to fire insurance companies doing business in the state of Wisconsin.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All fire insurance companies doing business in the state of Wisconsin, who may take any promissory note or obligation in writing from any person, for which the consideration in whole or in part shall be the issuing of a policy of insurance, shall at the time of the taking thereof, insert therein in the body of such promissory note or obligation, in prominent and legible writing or print, the words: "Given in payment for a policy of insurance. If transferred either before or after maturity, this obligation shall be subject to all defenses as if owned by the payee herein named." *Provided*, that this section shall not apply to ordinary notes taken by insurance agents for premiums on policies, issued on a cash basis, and which may be received by such agents in payment of premiums.

**How promissory notes given in payment for policies to be drawn.**

**When provision not to apply.**

SECTION 2. Such promissory notes or obligations shall be non-negotiable, and shall be subject to all defenses the maker or makers thereof may have against the original promisee, in whosesoever hands the said note or obligation may be. *Provided, also*, that all notes mentioned in section one of this act hereafter executed, shall, if the company to whom the same were given become insolvent or bankrupt, be wholly void in whosesoever hands the same may be, so far as the premiums for which the same was given accrued after such insolvency or bankruptcy.

**Obligations not to be negotiable**

**Same to be void in case of insolvency of company.**

SECTION 3. Any fire insurance company violating the provisions of section one of this act, by neglecting and refusing to insert in notes and obligations taken by them for insurance, the words required by section one of this act, shall forfeit their license to do business in this state.

**Penalty for violation of act.**

SECTION 4. Should any fire insurance company doing business in this state, after having issued a policy of insurance, and taken in payment therefor any note or obligation, and before the expiration of said policy the said insurance company should become insolvent, fail, or become bankrupt, the note or obligations given in payment for such policy shall become utterly void so

**When note given for insurance to become void.**

far as the premium for which the same was given accrued after such insolvency or bankruptcy, and of no effect in whosoever hands the same may be.

Repealed.

SECTION 5. All acts or parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 20, 1877.]

## CHAPTER 282.

AN ACT to authorize the judge of the county court of Winnebago county to employ a short hand reporter.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Authority to appoint phonographic reporters.

SECTION 1. It shall be lawful for the judge of the county court for Winnebago county in this state, to appoint one or more phonographic reporters for the county court in and for said county.

Qualifications and duties of reporters.

SECTION 2. Said reporters shall be sworn officers of said court, and skilled in the art of short-hand reporting, and shall attend upon the terms of said court when requested by the judge thereof so to do, and shall discharge such duties as the court shall require.

Compensation of reporters.

SECTION 3. The said reporters shall be allowed such daily compensation as shall be fixed by the court not exceeding seven dollars per day for each days actual attendance upon said court, when required by the judge thereof to attend, which shall be certified, audited and paid in like manner as provided by law for the payment of the sheriff for attending upon the court; *provided*, but one such reporter shall be employed at the same time.

Duty of reporters to furnish transcripts, and fees therefor.

SECTION 4. It shall be the duty of such reporter upon the order of the court to take the testimony or proceedings had in any trial or proceeding in said court either when sitting as a court of law or equity or in probate, and upon the request of any party to or in such trial or proceeding, or his attorney to make and furnish transcipts of such testimony or other proceeding had in such trial or other proceeding, and such reporter shall be entitled to charge and receive from the

party requiring such transcript to be made ten cents for each folio of one hundred words.

SECTION 5. The judge of said court may in his discretion remove such reporter or reporters, and may fill any vacancy that may arise from any cause.

Power of judge to remove reporters.

SECTION 6. This act shall take effect from and after its passage.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 283.

AN ACT to authorize the county board of supervisors of the county of Adams to sell and dispose of the lands owned by said county for the purposes therein set forth.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The county board of supervisors of the county of Adams is hereby authorized and empowered to subscribe to the capital stock of any railroad company or corporation, the line of whose railroad shall be located and established into or through said county and in payment for such capital stock to sell and convey to such railroad company or corporation any or all of the lands not used exclusively for county purposes, the title of which is or hereafter shall become vested in said county, and for such price or prices as shall be agreed upon between the said county board of supervisors and such railroad company or corporation.

Authority of county board to subscribe to capital stock of railroad and to convey lands therefor.

SECTION 2. The deed of conveyance of said lands shall be executed for and on behalf of said county, by the county clerk thereof, upon the order and direction of said county board of supervisors, and in such form and containing such conditions and covenants as the said board shall determine and prescribe; and the form so determined and prescribed by said board shall be sufficient to convey any and all title vested in said county to the lands so conveyed.

How deed of conveyance to be executed.

SECTION 3. This act shall not be so construed as in any manner to limit said county from subscribing to the capital stock of any railroad company, and issuing its bonds in payment therefor, pursuant to any law of this state.

Construction of act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 20, 1877.]

## CHAPTER 284.

**AN ACT authorizing the making and filing of affidavits and and proofs, of the publication and posting of notices of sales and statements of the returned delinquent lands, in the county of Fond du Lac, for unpaid taxes for the years 1869 to 1874.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Authority of persons having been county treasurers to supply affidavits and proofs of publication.**

SECTION 1. The persons who were county treasurers of Fond du Lac county, and their deputies, during the years hereinafter mentioned, are hereby authorized to make and supply affidavits and proofs of the publication and posting up of their statements of the returned delinquent lands for unpaid taxes, and notices of sale of the same, in the county of Fond du Lac, for each of the several years of 1869, 1870, 1871, 1872, 1873 and 1874, and deposit such affidavits and proofs in the office of the county clerk of said county, who is directed to file and preserve the same in his office as a part of the records and papers of the tax sales in said years and when said affidavits and proofs are made, deposited and filed as aforesaid, they shall be as valid, effectual and conclusive as if made prior to or at the time of said tax sales and deposited and filed in the office of the county clerk immediately after the close of the sale of lands for taxes in said county in each of the years aforesaid, and shall be so held and considered in all courts and places.

**Validity of affidavits and proofs of publication.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

[*Published March* 22, 1877.]

## CHAPTER 285.

AN ACT to authorize the tender of judgment in justices' courts, in actions on contract, or for involuntary trespass, after the commencement of the action.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. In all actions hereafter commenced in justices' courts, founded upon contract, or for the recovery of damages for any involuntary trespass, the defendant may, at the time of joining issue in the action, offer in writing to permit the plaintiff to take judgment against such defendant for the sum, damages or thing stated in said offer with costs.

Right of defendant to permit judgment to be taken.

SECTION 2. If the plaintiff accepts the offer so made by the defendant, he shall make such acceptance in writing, and the same, together with the offer of the defendant, shall be filed with the justice before whom the action is pending; and thereupon the said justice shall enter judgment accordingly; *provided*, that before entering any such judgment, the justice shall be satisfied that the action was brought in good faith, and without collusion by the parties thereto, and for that purpose he may examine the parties, or either of them, upon oath, and witnesses.

When plaintiff accepts, offer and acceptance to be filed with justice and judgment entered.

SECTION 3. If the plaintiff do not accept the offer of the defendant, made as provided in the first section of this act, the offer shall be deemed to be withdrawn; and for the purpose of determining the rights of the parties upon the trial, shall not be considered in any manner whatever by the justice or jury before whom the action shall be tried; and if the plaintiff fail to recover a more favorable judgement than he would have done by accepting the offer of the defendant, he shall not recover any costs made after the making of such offer, but shall pay costs made subsequently thereto to the defendant.

When offer to be deemed withdrawn.

When plaintiff liable for costs.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

[*Published March 22, 1877.*]

## CHAPTER 286.

**AN ACT to define the duties of towns and town officers in certain cases.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Orders for disbursement of money not to be drawn until tax for payment of same has been levied**

SECTION 1. The town board of supervisors of any town in any county in this state shall not draw any orders on the town treasurer of this [their] town for the disbursement of any money of said town, and the town clerk and the chairman of the board of supervisors of any town shall not sign or countersign or issue any town orders until the electors of such town shall have actually levied the tax for the fund out of which any indebtedness or claim is to be paid, and the tax therefor placed in the tax roll, and the roll placed in the hands of the treasurer.

**Town officers not to be interested in contract with town.**

SECTION 2. No town officer in any county in this state shall be interested, either directly or indirectly in any contract made by, or in behalf of said town, nor shall any such officer purchase or traffic in any orders issued by said town; any such officer who shall violate any of the provisions of this act, or shall knowingly charge for and receive any order, money, or other property or effects of said town for his services more than he shall be entitled to by law for such services, shall in every case be deemed guilty of a misdemeanor, and upon conviction thereof, shall pay a fine not less than fifty nor more than two hundred dollars or be imprisoned in the county jail not less than one nor more than six months, or both such fine and imprisonment in the discretion of the court.

**Penalty for violation of act.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

[*Published March* 23, 1877.]

# CHAPTER 287.

AN ACT to provide for the organization of road districts.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Whenever the owners of real estate exceeding in value one-half of all real estate, according to the last preceding assessment roll, in any township in this state, being part of any organized town, and three-fourths or more of the lands in such township being unoccupied, shall, by themselves or their duly authorized agents, petition the board of supervisors of the town in which said township is located to lay out and open a public highway through or into such township from some town or county highway, it shall be the duly of the board of supervisors of said town to at once lay out and establish said highway as nearly as practicable on the line indicated in such petition.

**Duty of board of supervisors to lay out road upon petition of property holders.**

SECTION 2. It shall be the duty of the said supervisors to proceed to open and put said highway in a suitable condition for travel as fast as it can be done from the highway tax levied upon the property in said township owned by such petitioners, which shall be applied solely for that purpose, and for the purpose of paying for right of way over lands not owned by such petitioners, if compensation for such right of way is claimed or required to be paid, until such highway is completed, or for the term of three years from the date of the order laying out said highway, and the said supervisors may, if they think proper, allow the whole of the highway tax levied upon the lands in such townships to be expended in constructing such highway for the whole or any part of the period aforesaid.

**Duty of supervisors to expend money raised for that purpose in building road and securing right of way.**

SECTION 3. Before any of such highway tax shall be expended upon any such highway the petitioners therefor shall execute and file in the office of the town clerk of such town a good and sufficient release of all damages for the right of way for such highway over and across the lands owned by them; *provided*, that this act shall not be construed to prevent the inhabitants of any such township or the officers of any such towns from laying out highways therein in the manner provided by law.

**Petitioners to file release of damages for right of way.**

Duty of supervisors in letting contracts for construction of highway.

SECTION 4. It shall be the duty of said supervisors to let the contracts for the construction of such highway to the lowest responsible bidder, and to give notice of the time and place of the letting of such contract or contracts by publishing notice thereof once in each week for three successive weeks in some weekly newspaper published in such county, prior to the time for letting such contract, and if there be no newspaper published in such county then by posting notices of the time and place of the letting of such contract, in four public places in such county, one thereof being at the post office at the county seat of such county, and three within the township in which such highway is located.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 288.

AN ACT to discontinue a state road from Chippewa Falls, in Chippewa county, to Augusta, in the town of Bridge Creek, in Eau Claire county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

State road discontinued.

SECTION 1. That part of the state road lying in Eau Claire county, laid out by authority of chapter 330, of the general laws of 1864, from the city of Chippewa Falls, in the county of Chippewa, to the village of Augusta, in the town of Bridge Creek, in the county of Eau Claire, according to the survey now on file in the office of the secretary of state, is hereby discontinued.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

[*Published March* 22, 1877.]

## CHAPTER 289.

AN ACT to prohibit the employment of children under twelve years of age in factories or other workshops in this state.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. It shall hereafter be unlawful to employ any child or children under twelve years of age at any manual labor in any factory or other workshop where more than three persons are employed in this state, which shall be deemed injurious to the health of such children, as tobacco and cigar factories, cotton and woolen mills, and iron foundries, and during the time that the public schools are not closed.

Unlawful to employ children in places injurious to health.

SECTION 2. Any person or persons, company or corporation violating the provisions of this act, shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall pay a fine of not more than fifty dollars or less than ten dollars, with the costs of prosecution, and shall be imprisoned in the county jail of the proper county, until such fine and costs are paid, or until discharged from such imprisonment by due course of law.

Penalty for violation of act.

SECTION 3. It shall be the duty of the district attorney of any county when notified of any violation of the provisions of this act, within his county, to commence action in any justice court in such county against the party or parties accused of such violation, and prosecute the same.

Duty of district attorney to prosecute violations.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 23, 1877.]

## CHAPTER 290.

AN ACT to amend section 1, of chapter 303, of the general laws of 1873, entitled "An act to amend chapter 58 of the revised statutes, and the acts amendatory thereto, entitled of weights and measures."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter three hundred and three, entitled "of weights and measures," of the laws

Amended.

of 1873, is hereby amended so as to read as follows: Whenever wheat, rye, indian corn, oats, barley, clover seed, buckwheat, dried peaches, flax seed, timothy seed, potatoes, parsnips, turnips (common flat), beets, carrots, onions, rutabagas, green-apples, or beans, shall be sold by the bushel, and no special agreement as to the measure or weight thereof shall be made by the parties, the measure thereof shall be ascertained by weight, and shall be computed as follows: sixty pounds for a bushel of wheat or clover seed; fifty-six pounds for a bushel of rye or shelled Indian corn; seventy pounds unshelled corn; thirty-two pounds for a bushel of oats; forty-eight pounds for a bushel of barley; fifty pounds for a bushel of buckwheat; twenty-eight pounds for a bushel of dried apples, or dried peaches; fifty-six pounds for a bushel of flax-seed; forty-five pounds for a bushel of timothy seed; sixty pounds for a bushel of potatoes; forty-four pounds for a bushel of parsnips; forty-two pounds for a bushel of common flat turnips; fifty pounds for a bushel of beets; fifty pounds for a bushel of carrots; fifty pounds for a bushel of onions; fifty-six pounds for a bushel of rutabagas; fifty-seven pounds for a bushel of green apples, and sixty pounds for a bushel of beans.

What to be deemed standard bushel of grains and produce.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 291.

AN ACT relating to swamp and overflowed lands in the counties of Manitowoc and Calumet, and amendatory of chapter 341 of the private and local laws of 1867, and chapter 201 of laws of 1873, and chapter 537 of laws of 1865, and chapter 327 of laws of 1874, for draining and other purposes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 1 of chapter 327, laws of 1874, entitled "An act relating to swamp and overflowed lands in the counties of Manitowoc and Calumet, for draining and other purposes," is hereby amended so as to read as follows: Christian Arbischer and Julius Feind, of Calumet county, and Ira Clark, John Hol-

Names of commissioners.

laran and John Franz, of Manitowoc county, are hereby appointed commissioners, to be known as the board of Manitowoc and Calumet swamp land commissioners, who shall elect one of their number secretary, and one of their number treasurer, and as such commissioners they are hereby authorized and empowered to act for and on behalf of the said counties in the execution of the trust by this act created; and by this said name shall be capable in law of taking, holding, leasing and contracting for, selling and conveying the lands, or any portion thereof, described in the first section of this act, and appropriating the moneys arising from the sale thereof, so far as the same may be necessary for the purposes mentioned in this act, and no further; and in that name may contract and be contracted with, sue and be sued, may have a common seal, and alter and renew the same at pleasure, and may have and exercise all the powers, rights, and privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as the same are herein set forth.

Powers of commissioners.

SECTION 2. The commission appointed by chapter 327 of the laws of 1874 shall, within 90 days after the passage of this act, account in writing to the new board hereby created as to all their acts and doings as such commissioners, and deliver over to them all the books, papers, documents and vouchers relating to their official action, and all other property, money, tools and machinery now in hand and remaining undisposed of, and shall also return a full and complete list of all lands still unsold or in which said board still retains an interest or lien for any part of the purchase money, or otherwise, and in default thereof the members of said former board of commissioners neglecting or refusing to comply herewith shall be adjudged guilty of a misdemeanor, and be subject to a fine of five hundred dollars and imprisonment for not less than thirty days.

Commissioners to render account of their doings, and deliver books, papers etc. to successors.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

[*Published March* 15, 1877.]

## CHAPTER 292.

**AN ACT to amend chapter 278, laws of 1874, entitled "An a to incorporate the city of Shawano."**

*The people of the state of Wisconsin, represented in senat and assembly, do enact as follows:*

**Amended.**

SECTION 1. Section two (2), chapter one (1), of cha ter two hundred and seventy-eight (278), laws of 187 is hereby amended so as to read as follows: Sectio

**City boundaries**

2. All that portion of section twenty five (25), tow twenty-seven (27) north, range fifteen (15) east, lyin and being south of Shawano lake outlet, and east Wolf river, also all of section thirty-six (36), tow twenty-seven (27) north, range fifteen (15) east, lyin and being east of Wolf river; also all of section thir (30), town twenty-seven (27) north, range sixteen (1 east, lying and being south of Shawano lake outle also the west half of section thirty-one (31), and th north half of the northeast quarter of section thirty-on (31), town twenty-seven (27) north, range sixteen (1 east, shall be included in and constitute the limits the city of Shawano.

**Amended.**

SECTION 2. Section twenty-two (22) of chapter fou (4), is hereby amended so as to read as follows: Th mayor and common council of said city of Shawan shall not be entitled to any compensation for any se vice, either as inspectors of election or for any servic rendered as a member of any committee or officer un der this charter, or for any duty or service require under the provisions of this charter, either directly o indirectly, and any mayor or member of the commo council receiving any compensation contrary to th provisions of this section, shall be deemed guilty of misdemeanor, and forfeit for each and every offense th sum of fifty dollars, to be recovered under the provis ions of chapter four (4) of the city charter of the city o Shawano.

**Mayor and members of council not to take compensation.**

**Repealed.**

SECTION 3. So much of any other statute or law contravenes the provisions of this act, is hereby re pealed.

SECTION 4. This act shall take effect and be in forc from and after the first Monday in April, 1877.

Approved March 8, 1877.

[*Published March* 23, 1877.]

## CHAPTER 293.

AN ACT relating to the invention and successful use of steam or other mechanical agents on highways, and amendatory of chapter 134 of the laws of 1875, as amended by chapter 182 of the laws of 1876.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter one hundred and thirty-four (134), of the laws of 1875, as amended by chapter one hundred and eighty two (182), of the laws of 1876, is hereby amended so as to read as follows: There is hereby appropriated the sum of ten thousand dollars (10,000), out of any money in the treasury not otherwise appropriated, to be used as a bounty, and to be paid to any citizen of Wisconsin who has invented or shall invent a machine propelled by steam or other motive agent, which shall be a cheap and practical substitute for the use of horses and other animals on the highway and farm; *provided*, that said appropriation shall not be paid until a successful trial of said machine has been had, and award made as hereinafter provided.

Amended.

Bounty for invention of steam road wagon.

SECTION 2. It shall be the duty of the governor, on or before the first day of June, 1878, to appoint three commissioners, two of whom shall be practical and experienced farmers, and the other a practical and skilled machinist, to each of whom the governor shall execute and deliver a certificate of his appointment. It shall be the duty of said commissioners to examine and test, as hereinafter provided, all machines which shall compete for or claim said bounty; *provided*, the inventors have made at the time of trial, the statement and complied with the conditions hereinafter prescribed.

Appointment and qualification of commissioners.

SECTION 3. Every inventor who shall heretofore or at any time hereafter, prior to the first day of June, 1878, have filed with the secretary of state a statement of his intention to compete for the said bounty, and that he has made progress in the construction of a machine for the purpose aforesaid, shall have the right to exhibit his machine to such commissioners, to be by them examined and tried as hereinafter provided.

When inventor shall have right to exhibit invention to commissioners.

SECTION 4. The said commissioners shall meet in the city of Madison on the 10th day of June, 1878, and shall have power to adjourn from day to day, and to

Meeting of commissioners.

such other time and place as they may see fit, not exceeding sixty days in all from said 10th day of June, 1878. All persons claiming to have invented a machine of the character and for the purpose herein mentioned shall appear before said commissioners on said 10th day of June, and file with said commissioners a description of the machine which they claim to have invented, with plans and specifications of the same, and the said commissioners thereupon shall enter the name of such claimant in a list to be entitled "Competitors for the bounty provided by law for the invention of a machine, propelled by steam or other motive agents, which shall be a cheap and practical substitute for the use of horses and other animals on the highway and farm." The said commissioners shall thereupon appoint a time and place and prescribe the manner of the trial of said machine or machines.

Inventors to appear before same.

Tests of invention.

SECTION 5. At the time and place so appointed all persons who have complied with the provisions of this act may produce their machines, and the same shall be subjected to the examination of said commissioners, and to such experiments and tests as said commissioners may require; *provided*, that every machine entering the lists to compete for said bounty shall perform a journey of at least two hundred miles, in a continuous line, on the common road or roads, running as nearly as may be north and south within this state, to be designated by said commissioners and be propelled by its own internal power at the average rate or speed of at least five miles per hour working time. The said machine shall be of such construction and width as to conform to or run in the ordinary track of the common wagon or buggy, now in use, and be able to run backwards or turn out of the road to accommodate other vehicles in passing, and to be able to ascend or descend a grade of at least two hundred feet to the mile.

Award of bounty.

SECTION 6. Upon the conclusion of said trial, which shall commence within twenty days after the 10th day of June, 1878, and shall be concluded within ten days from its commencement, and shall take place within this state, the said commissioners or a majority of them shall determine which of the inventors of said machines, if any, are entitled to said bounty, and whether any of them are; and shall file their determination or award with the secretary of state within ten days after the conclusion of said trial.

Duty of secretary of state to draw warrant.

SECTION 7. It shall be the duty of the secretary of state, upon the filing of such determination, in case

such determination is to the effect that any such inventor is entitled to such bounty, to draw his warrant on the treasury for the sum of ten thousand dollars, which sum, on the presentation of such warrant to him, shall be paid by the state treasurer to the inventor of such successful machine; *provided*, that no money shall be paid under the provisions of this act or of the act to which this is amendatory, unless such payment shall be approved by the governor; *provided further*, that the commissioners appointed under the provisions of this act shall not receive any compensation for their services, but their actual expenses incurred while in the performance of their duties under this act shall be paid by the state.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 20, 1877.]

## CHAPTER 294.

AN ACT to amend chapter 449 of the private and local laws of 1869, entitled "An act to incorporate the city of Oconto," and the acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three of chapter four, of chapter 449 of the private and local laws of 1869 (on page 1124), is hereby amended by adding to said section three the following words: *Provided*, nothing in this section shall prevent the mayor and common council from appropriating a sufficient amount or sum of tax certificates held or owned by said city, to build a bridge or bridges across the Oconto river within said city. And said city is hereby authorized and empowered to erect and maintain new bridge or bridges across the Oconto river in said city, in place of any of the bridges heretofore maintained by said city across said river; *provided*, said bridge or bridges shall be so constructed as not to interfere with the navigation of said river any more than the bridge heretofore maintained at the same point, and all contract or contracts heretofore entered into by said city for the construction of any bridge across said river within said city, not in conflict with

Amended.

Building of bridges across Oconto river.

this act, are hereby legalized and declared to be in full force and virtue.

Repealed.

SECTION 2. All acts or parts of acts, in so far as they conflict with or contravene the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 295.

AN ACT to provide for the purchase of paper required for public printing and blank books, amendatory of section 1 of chapter 230 of the laws of 1874.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one of chapter two hundred and thirty of the laws of 1874. is hereby amended so as to read as follows: Section 1. It shall be the duty of the commissioners of public printing, during the first week in February and the first week in August in each year, or at such other times as they may deem necessary, not exceeding twice a year, to advertise for sealed proposals in two newspapers published in the city of Madison, two newspapers published in the city of Milwaukee, and two newspapers published the city of Chicago, once in each week for four weeks, for furnishing the state with such paper as said commissioners may deem necessary for use in printing and blank books as may be required by the state.

Duty of printing commissioners in purchasing paper.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 8, 1877.

[*Published March* 17, 1877.]

## CHAPTER 296.

**AN ACT relating to hawkers and peddlers, and amendatory of chapter seventy-two of the laws of 1870, as amended by chapter 395 of the laws of 1876.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter seventy-two of the laws of 1870, as amended by chapter 395 of the laws of 1876, is hereby amended so as to read as follows: "Section 1. No person shall be allowed to travel from place to place within this state, for the purpose of carrying to sell or exposing to sale, any goods, wares or merchandise (farmers' produce excepted), unless he shall have obtained a license as a hawker and peddler in the manner hereinafter provided." **Amended.** **Peddlers to procure license.**

SECTION 2. Section seven of chapter seventy-two of the laws of 1870, as amended by chapter 395 of the laws of 1876, is hereby amended so as to read as follows: "Every person who shall be found traveling or trading in the manner indicated in section one, or selling or offering to sell any patent rights or articles, within this state, contrary to the provisions of this chapter, or contrary to the terms of any license that may have been granted to him as a hawker and peddler, patent right dealer or public showman, shall for each offense be fined in a sum not exceeding fifty dollars, nor less than twenty dollars, and cost of prosecution, and in default of such payment may be committed to the county jail for a period not exceeding three months; and it is further enacted, that one-half of the fine received in such cases under this act shall go to the prosecutor. **Amended.** **Penalty for peddling without license.**

SECTION 3. Section fourteen of said chapter seventy-two, as amended by chapter 395 of the laws of 1876, is hereby amended so as to read as follows: "Section fourteen. Nothing contained in this chapter shall be so construed as to prevent any manufacturer, mechanic or nurseryman from selling his own work or production, either by himself, employe, or any one of his family, in any manner, nor to prevent any farmer from selling his work or production, or the productions of any other farmer, either by himself or by one of his family, or any employe, in any manner, without license; **Amended.** **Who exempt from procurement of license.**

nor shall any patent right dealer be required to take out a license to sell his own invention."

Showmen required to procure license.

SECTION 4. Section 5 of said chapter seventy-two of the laws of 1870, is hereby amended by adding the following words: "Also every owner or manager of a so-called side-show, or every person exhibiting for money any wild animal or any object of curiosity, shall procure a state license as a public showman, and shall pay into the state treasury therefor the sum of twenty dollars.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 297.

AN ACT to amend section 9 of chapter 3, of chapter 184 of the laws of 1874, entitled "An act to revise, consolidate and amend the charter of the city of Milwaukee," approved February 20, 1852, and the several acts amendatory thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 9, of chapter 3 of chapter 184, of the laws of 1874, is hereby amended so as to read as follows: Section 9. At the last meeting of the said common council held prior to the expiration of the term of the present board of aldermen, the said common council shall direct the clerk of said city to advertise in one English and one German newspaper, published in the said city, for proposals to do the advertising for the said city for the next ensuing year thereafter, of all ordinances and notices as are now required to be published by the provisions of said charter. The said proposal shall call for bids from the English and German newspapers published daily in said city at least two consecutive years prior to said letting, and shall require the delivery of such proposals by each of the said newspapers in writing, duly sealed and directed to the said clerk, on or before the first Tuesday of April, 1877. No bid shall be considered by the said clerk unless accompanied by a certificate from the city treasurer, showing that the bidder has deposited with him five hundred dollars in money

Common council to let contract for doing advertising of city.

Bids to be accompanied by deposit.

or United States bonds, and a written agreement, executed by said bidder, under seal, to the effect that if such bid be excepted, and after being notified thereof, such bidder shall fail to enter into a contract and execute a bond as required by this act within the time prescribed by said clerk in said proposals, or if such bidder, after executing such contract and bond, shall fail to comply therewith, then in either such case the said five hundred dollars shall become absolutely forfeited to the said city, and shall be no part of the penalty or damages which may be recovered upon such contract or bond. If a bid be rejected, the said certificate of the city treasurer and such agreement and bond shall be returned to the bidder, otherwise the same shall be retained until such contract and bond be fully complied with as hereinafter provided for, when said five hundred dollars shall be returned to the contractor, and the said clerk shall, on the said first Tuesday, at twelve o'clock at noon, in the presence of the mayor, open all such proposals, and the said clerk shall thereupon, in the presence of the mayor, enter upon his minutes a record of all the said proposals respectively, with the price for which each such newspaper shall offer to do the same, and thereupon the clerk shall also enter upon his said minutes an order awarding such printing to the one English newspaper and one German newspaper so published in the said city and shall respectively offer to do such printing at the lowest price for the year ensuing the expiration of the contract of the present official newspapers of the said city. If, however, any two or more bids shall be for the same price, then in that case the said printing shall be so let to the one having the largest circulation in said city, and the newspapers to which such printing shall be awarded as aforesaid, shall each thereupon give bond in the sum of two thousand dollars for the faithful performance of their said contracts, said bond to be approved by the mayor of said city. And that such newspapers shall thereupon become liable to print and publish all such ordinances and notices as are required by law, for the compensation specified in such proposals, and shall receive no other compensation therefor.

**Duty of clerk in considering proposals and letting contract**

SECTION 2. And each year after the year 1877, at such last meeting of the said common council, and prior to the first meeting in each year, the said council, clerk and mayor shall in like manner designate one newspaper in English and one in German, published daily in said city as the proper official newspapers for the said

**Contract to be let annually.**

city, and shall award the said printing of the said city in the same manner and to the lowest bidder as provided in this act; *provided*, that the said common council in its discretion may reject any or all bids that shall be deemed by them exorbitant or too high, and in case of the rejection of all bids for such cause, it shall thereupon be the duty of said common council to re-advertise for proposals for such printing in the same manner as provided by this act.

Repealed.

SECTION 3. All acts relating to the city of Milwaukee inconsistent with this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 21, 1877.]

## CHAPTER 298.

AN ACT relating to the revision of the statutes, and amendatory of chapter 203, of the laws of 1875.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Revisers may procure additional clerical assistance.

SECTION 1. The revisers appointed in pursuance of chapter 203, of the laws of 1875, or that may be appointed under any act amendatory thereof, are authorized to expend such sum for additional clerk hire as the justices of the supreme court shall deem just and reasonable, to be audited by the secretary of state upon the written allowance of such justices and paid out of the state treasury out of any moneys belonging to the general fund, not otherwise appropriated; *provided, however*, that not more than one thousand dollars shall be expended for such additional clerk hire.

Supreme court may appoint additional revisers.

SECTION 2. If in the opinion of a majority of the justices of the supreme court, it shall be necessary to do so, to ensure a report from the revisers by the first day of the next session of the legislature, so that such legislature may be able to act upon the proposed revision of the statutes, the said supreme court is hereby authorized and empowered to appoint such additional member or members of said board of revisers (not exceeding in all two such additional revisers) for such length of time, and assign to them such duties, with

respect to such revision as to said court may seem proper, and a sum sufficient to pay such additional revisers such compensation as the said court shall deem reasonable for such services as they may render, is hereby appropriated out of any money in the general fund not otherwise appropriated.

Duty of revisers to have revision printed.

SECTION 3. The revisers shall furnish to the state printer from time to time as the various chapters of their work shall be completed, all such completed portions of their work. Said chapters shall be given their proper numbers, and the state printer shall print 500 copies of each chapter in a solid form; the pages to be of such size as the revisers and judges of the supreme court shall direct, with a margin of three inches on one side, and shall lay the same before the legislature on the first day of the next legislature.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 20, 1877.]

## CHAPTER 299.

AN ACT to amend chapter 311, private and local laws of the year 1867, entitled "An act to incorporate the Pete-en-Well bridge company," and also to authorize certain towns to grant aid therefor.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 2 of chapter 311 of the private and local laws of the year 1867, entitled "An act to incorporate the Pete-en-Well bridge company," is hereby amended so as to read as follows: The said E. C. Sage, Thomas Weston and V. E. Smith or either of them are hereby appointed commissioners to receive subscriptions to the capital stock and shall open a book of subscriptions at such place as said commissioners may determine, on or before the first day of August, 1877, and may keep such book open during such time as such commissioners may determine upon.

Appointment of commissioners.

Capital stock of company.

SECTION 2. Section 3 of said chapter is hereby amended so as to read as follows: The capital stock of said company shall not be over twenty thousand dollars, nor less than five thousand dollars, and shall be divided into shares of one hundred dollars each.

Authority to build bridge, and description of same.

SECTION 3. Section 4 of said chapter is hereby amended so as to read as follows: Said company shall have power, and are hereby authorized, to build a bridge across the Wisconsin river at the Pete-en-Well rock, on section nine (9) in township eighteen (18), north of range four (4), east of the fourth principal meridian, or at any point such company may select, not more than five miles below such rock. Said bridge shall not be less than sixteen feet wide and shall be constructed with a double track for wagons, and shall have good substantial railings on each side and shall be not less than one hundred feet span over the main channel of the river, and shall have a boom for the conducting of rafts with safety through said span, or in lieu of such bridge said company may build and maintain a pontoon bridge at such place as above described across said river; *provided* that such bridge shall be built at right angles with the current of said river, and that the draw shall not be less than one hundred feet in the clear, with sheer booms, properly constructed and maintained, on each side of such draw, so as to ensure the safe passage of rafts and logs through said draw.

Authority of towns and villages to subscribe to stock.

SECTION 4. The several boards of supervisors of the towns of Adams, Preston, Strong's Prairie, Monroe and Newark Valley, in the county of Adams, and the towns of Armenia, Necedah, Clearfield, Germantown, Lisbon, and the board of trustees of the incorporated village of New Lisbon, in Juneau county, are hereby authorized to subscribe for their respective towns and village, the following sums to the capital stock of said company, to wit: For the town of Adams, the sum of five hundred dollars; for the town of Preston, the sum of five hundred dollars; for the town of Strong's Prairie, the sum of fifteen hundred dollars; for the town of Monroe, the sum of five hundred dollars; for the town of Newark Valley, the sum of one thousand dollars; for the town of Armenia, the sum of five hundred dollars; for the town of Necedah, the sum of three thousand dollars; for the town of Clearfield, the sum of five hundred dollars; for the town of Germantown the sum of one thousand dollars; for the town of Lisbon, the sum of five hundred dollars, and the village of New Lisbon, the sum of three thousand dollars; or the respective boards of said towns may subscribe such lesser sums as they may deem proper, and to pay the same in cash, from any unexpended funds belonging to such respective towns, or in the bonds of said towns respectively, payable at such place as the board

of supervisors issuing them may deem advisable; and they shall be payable at a time specified therein, not exceeding ten years from the date of issue, with interest payable annually at not exceeding ten per cent. per annum; *provided*, that the said bridge shall be commenced within one year, and completed within three years from the passage of this act.

Stock subscribed for to be pledged for payment of bonds and interest.

SECTION 5. The shares of stock in said bridge company, thus taken by said towns, and said village, and all dividends arising from the same are hereby irrevocably pledged for the payment of the principal and interest of said bonds; *provided, however*, that the board of supervisors, severally, may sell such shares by them subscribed for, but the proceeds thereof and interest shall still be pledged to pay the interest and principal of said bonds; *provided*, that such subscription shall not be made by the supervisors of any town, or trustees of any village, mentioned in this bill, until the question of such subscription shall first be submitted to a vote of the qualified voters thereof, at some town meeting or general election, at which a majority of the votes cast on that subject shall be in favor of such subscription; and *provided further*, that such amount so subscribed shall, including existing indebtedness, not in any case exceed five per centum on the valuation of the respective towns, as appears by the assessment rolls of such towns, for the year 1876.

Stock not to be affected by mortgage or lien.

SECTION 6. The shares of stock so subscribed for and held by such towns aforesaid shall not be in any manner affected by any mortgage, lien or incumbrance, given or obtained upon said bridge, and in case said bridge shall be sold, or in any manner disposed of to satisfy any such mortgage or lien or incumbrance.

Rates of toll.

SECTION 7. Said company shall have power to demand and collect tolls for passing over said bridge, as follows; for any vehicle drawn by four horses, mules, or oxen, forty cents; for any vehicle drawn by two horses, mules or oxen, twenty-five cents; for any vehicle drawn by one horse or mule, fifteen cents; for a single horse and rider, ten cents; for horses and cattle in droves, five cents each; for hogs and sheep in droves, two cents each, and for foot passengers, five cents each.

List of rates to be posted.

SECTION 8. Said company shall keep posted up in some conspicuous place on said bridge, a list of the rates of toll allowed by this act.

Power of company to make by-laws.

SECTION 9. Said company shall have power to make all necessary by-laws for the regulation of their corpo-

rate affairs, not repugnant to the laws of this state or of the United States.

Repealed.

SECTION 10. All acts or parts of acts conflicting with or contravening the provisions of this act, are hereby repealed.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 22, 1877.]

## CHAPTER 300.

AN ACT relating to attorneys, and amendatory of chapter 189 of the laws of Wisconsin for 1861, entitled "An act relating to the admission of attorneys of courts of record."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 5 of chapter 189 of the laws of 1861, is hereby amended by adding thereto the following proviso: *Provided*, that no person shall be denied a license under this act on account of sex.

License not to be withheld on account of sex.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.

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[*Published March* 15, 1877.]

## CHAPTER 301.

AN ACT relating to the protection of the Capitol and the Capitol Park, in the city of Madison, and amendatory of section 3 of chapter 117, of the laws of 1870.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 3 of chapter 117, of the session laws of 1870, is hereby amended by striking out the words "found upon the said premises," in the 7th line of said section, and inserting in lieu thereof the words "anywhere within the limits of the city of Madison," so that said section when amended, shall read as follows: Section 3. It is hereby made the duty of the su-

perintendent of public property of the state, and the duty of all his employes to arrest and prosecute all who violate the provisions of the foregoing sections, and they are hereby authorized and empowered to arrest all such persons who have violated the provisions of this act anywhere within the limits of the city of Madison summarily, without process, and take them before some justice of the peace of the city of Madison, or the police justice, who shall have jurisdiction of the offenses mentioned in this act. And it is further enacted that one-half of the fines received in such cases, under this act, shall go to the informer.

Duty of superintendent of public property and employes to make arrests.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

# BANKING ACT.

*(Submitted to the people at the general election held November 7, 1876.)*

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[*Published April* 6, 1876.]

## CHAPTER 384.

AN ACT for the organization of savings banks and savings societies.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

How associations to be organized.

SECTION 1. Any number of persons, not less than twenty, may unite for the purpose of organizing an association to receive on deposit the savings of laborers, mechanics, farmers, servants, minors and others, and to loan the same for the benefit of such depositors. They may make, sign and acknowledge before some proper officer authorized to take the acknowledgments of deeds, a certificate in writing, in which shall be stated the name of such association, the names of the corporators, the name of the city, village, town and county in which the operation of such association is to be conducted.

Certificate to be filed in office of register of deeds and duplicate deposited in office of secretary of state.

SECTION 2. Such certificate shall be filed in the office of register of deeds of the county in which the business of the association is to be carried on, and a duplicate thereof shall be deposited in the office of the secretary of state.

Power of corporation to enact by-laws. Same to be conspicuously posted.

SECTION 3. Such corporation shall have power to enact by-laws for the government of its affairs, and such by-laws may prescribe the condition on which such deposits shall be made and the terms on which payments shall be made to the depositors by such institution, and the depositors shall be bound by the conditions enacted in such by-laws, which shall be printed and conspicuously posted in the office of such corporation.

SECTION 4. The corporators shall annually elect by ballot a board of trustees or directors, which shall consist of not less than ten. Board of trustees.

SECTION 5. The trustees or directors, within ten days after their election, shall elect from the members of their own board a president, one or more vice-presidents, a treasurer, and a secretary; they may also elect from their own members a committee on finance, all of said officers to hold their offices till others are elected to fill their places. Officers of board of trustees.

SECTION 6. It shall be lawful for such corporations to purchase, hold and convey such real eatate as banks of discount and circulation are authorized by laws of this state to purchase, hold and convey. Corporation may hold and convey real estate.

SECTION. 7. No more than three officers of any savings association, shall at the same time be officers of any one bank of discount or circulation, or trust company; and no cashier of a bank of discount or circulation shall be treasurer of any savings bank having over five hundred thousand dollars of deposits. But three officers of savings association may be officers of bank of discount.

SECTION 8. Any savings bank organized under this act may employ not exceeding one-half its deposits in making loans on personal security, and in the purchase of the public stock or bonds of the United States, of the northwestern states, to wit: Ohio, Indiana, Michigan, Illinois, Iowa, Wisconsin and Minnesota, of the authorized bonds of any incorporated city, village, town or county in the aforesaid northwestern states. All other loans shall be secured by mortgage of unincumbered real estate, lying and situated in the aforesaid northwestern states. No such savings bank shall invest any part of its deposits in the stock of any railroad company, nor loan on, nor invest in, any mortgage on real estate, except such real estate as lies in the aforesaid northwestern states. How deposits may be employed and secured.

SECTION 9. No such corporation shall buy or loan any money upon any obligation, on which only one person or firm shall be holden, without additional security for the same, equivalent to the guarantee or indorsement of some other responsible party. What security not acceptable.

SECTION 10. Such bank may receive on deposit from any one person, in his or her own name, or in the name of another, in one year, a sum not exceeding one thousand dollars. Limit of deposits.

SECTION 11. The directors, managers or trustees, shall annually appoint not less than two auditors, who shall not be directors, managers, or trustees of the corporation, who shall examine the books, accounts and Auditors, and duties of same.

securities belonging to such society or bank, and make a sworn statement showing the true condition thereof, the total amount of deposits, the whole number of depositors, the largest amount due to any one depositor, the amount invested in loans on real estate securities, the amount invested in stocks and bonds, the amount of funds on hand, the names of corporators, trustees, and of the other officers of such institution, on the first day of January of each year, which statement shall be kept on file in the office of such bank, and an attested copy of the same shall be forwarded to the secretary of state, on or before the first day of February in each year.

**Circulating medium not to be issued.**

SECTION 12. Such corporation shall not make and issue any bill or promissory note to circulate as currency.

**Compensation of officers.**

SECTION 13. No corporator, trustee, director, manager, nor any other officer, except the treasurer, shall receive any compensation for his services in the management of such bank, nor derive any emolument therefrom; *provided, however*, that the president may receive for his services a sum not exceeding five hundred dollars, when the deposits shall exceed five hundred thousand dollars.

**How income to be divided.**

SECTION 14. The net income actually earned by any such association shall be divided semi-annually among its depositors to an amount not to exceed six per cent. a year on their deposits. The surplus earnings above said six per cent. after reserving a moderate sum for a contingent fund, shall be divided among the depositors as an extra dividend as often as once in every three years.

**Officers of corporation not to be borrowers' surety.**

SECTION 15. No trustee, director or manager of such corporation shall be a borrower or surety for a borrower of any of its funds, nor receive any money or valuable thing for negotiating, procuring or recommending any loan from such bank, nor for selling or aiding in the sale of any stocks, bonds or securities to such savings bank, and any such officer who shall violate any provision of this section shall forfeit to the state one thousand dollars.

**Treasurer to give notice of meetings.**

SECTION 16. The treasurer shall, at least ten days before each meeting of the corporators, mail or deliver to each a written or printed notice of the day and hour of holding such meeting, and if he shall neglect to give such notice, he shall pay one hundred dollars into the treasury of the town or city where such bank is located.

SECTION 17. The treasurer shall give bonds with surety to the acceptance of the directors or trustees in not less than ten thousand dollars, payable to said bank, said bond to be in the custody of the president thereof. No president, director or trustee shall be surety in the bond of such treasurer. **Treasurer to give bonds.**

SECTION 18. Every corporation formed under the provisions of this act shall possess the powers and be subject to the provisions of the seventy-eighth chapter of the revised statutes so far as the same may be applicable. **What laws corporation subject to.**

SECTION 19. At the general election to be held on the Tuesday next succeeding the first Monday in November, in the year eighteen hundred and seventy-six, at the usual places of holding such elections in this state for the election of all officers required by law then and there to be elected, the question whether this act shall go into effect, or in any manner be in force, shall be submitted to the people, and if the same shall be approved by a majority of all the votes cast on that subject, it shall go into effect and be in force from and after the date of said election, otherwise it shall not go into effect or in any manner be in force. **Act to be submitted to voters at general election.**

SECTION 20. The votes cast on the subject specified in the last preceding section, shall be by separate ballot, and shall have written or printed on each of them the words, "For an act to incorporate savings banks," or, "Against an act to incorporate savings banks," which words shall indicate the vote of the elector for or against the approval of this act, and the ballots so cast shall be canvassed and returned in the same manner as the votes cast for state officers and required by law to be canvassed, and the secretary of state shall, immediately on the completion of said canvass, publish a statement of the result thereof, in some newspaper printed at the seat of government, and shall communicate the same to the next legislature, at the commencement of its session, and he shall also deliver to the state treasurer a certified copy of this act, if the same shall have been approved, and a statement of the result of the canvass on the subject, immediately after the completion of said canvass. **How vote to be taken and canvass and returns made.**

SECTION 21. This act shall take effect and be in force from and after its passage.

Approved March 13, 1876.

STATE OF WISCONSIN, } ss.
SECRETARY'S OFFICE.

I, Peter Doyle, secretary of state of the state of Wisconsin, do hereby certify that the foregoing banking act, being chapter 384 of the laws of 1876, was duly ratified and adopted by the people, at a general election, held on the Tuesday succeeding the first Monday of November, 1876, as appears from the determination and certificate of the state board of canvassers, now of record in this office.

In testimony whereof, I have hereunto set my hand, and affixed the great seal of the state, at the capital in Madison, this 30th day of December, 1876.

[L. S.]

PETER DOYLE,
*Secretary of State.*

# AMENDMENT TO CONSTITUTION.

**AMENDMENT to section 3 of article 11 of the constitutitution of the state of Wisconsin, published in accordance with the provisions of section 91 of chapter 7 of the Revised Statutes.**

SECTION 3. It shall be the duty of the legislature, and they are hereby empowered, to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and taxation, and in contracting debts, by such municipal corporations. No county, city, town, village, school district, or other municipal corporation, shall be allowed to become indebted in any manner or for any purpose, to any amount, including existing indebtedness in the aggregate, exceeding five percentum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness Any county, city, town, village, school district or other municipal corporation, incurring any indebtedness as aforesaid, shall, before or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof, within twenty years from the time of contracting the same.

STATE OF WISCONSIN — *Secretary's Office* — ss.

I, Peter Doyle, secretary of state of the state of Wisconsin, do hereby certify that the foregoing amendment to section 3 of article 11 of the constitution was duly ratified and adopted by the people, at a general election held on the Tuesday succeeding the first Monday of November, 1874, as appears from the determination and certificate of the state board of canvassers, now of record in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the state, at the capitol
[L. S.] at Madison, this 31st day of December, 1876.

PETER DOYLE,
*Secretary of State.*

# JOINT RESOLUTIONS.

## No. 1.

JOINT RESOLUTION agreeing to an amendment of section four of article seven of the constitution of the state of Wisconsin.

WHEREAS, The legislature of this state, at the annual session for the year 1876, proposed and adopted by a vote of a majority of the members elected to each of the two houses, an amendment to the constitution of this state, in the following language:

"*Resolved by the Senate, the Assembly concurring*, That section four of article seven of the constitution be amended so as to read: Section four. The supreme court shall consist of one chief justice and four associate justices, to be elected by the qualified electors of the state. The legislature shall, at its first session after the adoption of this amendment, provide by law for the election of two associate justices of said court, to hold their offices respectively for terms ending two and four years respectively, after the end of the term of the justice of the said court then last to expire. And thereafter the chief justice and associate justices of said court shall be elected and hold their offices respectively for the term of ten years;" now

*Resolved by the Senate, the Assembly concurring*, That the foregoing amendment to the constitution be and the same hereby is agreed to by this legislature.

Approved January 31, 1877.

## No. 2.

JOINT RESOLUTION relating the the purchase of additional copies of Legislative Manual.

*Resolved by the Senate, the Assembly concurring*, That the secretary of state be directed to purchase for the use of the legislature additional copies of the Legislative Manual for 1877, and distribute them as follows: Ten copies each to the state officers in the capitol and the lieutenant governor, and to the members of

the senate and assembly, and to the chief clerks and sergeant-at-arms of the two houses; three copies to each reporter for a daily newspaper in regular attendance at the session; one copy each to the other clerks and employes of the two houses; one copy each to the state agricultural society, to the state horticultural society, to the state board of charities and reform, to the academy of arts and sciences, to the state board of health, and to the commissioners of fish and fisheries; one copy each to the state university and normal schools, and to the state penal and charities institutions; one copy to the clerk of the supreme court and of the United States courts for Wisconsin, and forty-eight copies to the secretary of state to exchange for similar publications with the secretaries of other states and territories; one copy for each state officer and for each member of the legislature, for the chief clerk and sergeant-at-arms of each house and for each reporter in regular attendance, shall be bound in half morocco, and lettered with his name, provided the price for said manuals shall not exceed two dollars per copy, except those in extra binding, the account for which shall be audited at the regular trade rates for such work.

Approved February 6, 1877.

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## No. 3.

**JOINT RESOLUTION relating to the coinage of silver.**

*Resolved by the Senate, the Assembly concurring,* That the senators and representatives of the state of Wisconsin in congress, are requested to use all proper endeavors to secure the repeal of the law known as the act demonetizing silver, and to secure such laws as may be necessary to establish the coinage of the old standard silver dollar, and to make it legal tender for all debts, public and private.

Approved February 16, 1877.

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## NO. 4.

**JOINT RESOLUTION ratifying and agreeing to Joint Resolution No. 7, adopted by the legislature of 1876, proposing an amendment to section 2, article VIII. of the constitution of this state.**

WHEREAS, The legislature of 1876 duly adopted a joint resolution, entitled "A joint resolution proposing an amendment to sec-

tion 2 of article VIII. of the constitution of this state," which resolution was as follows:

*Resolved by the Senate, the Assembly concurring*, That section 2 of article VIII. of the constitution of this state, be so amended as to read as follows: Section 2. No money shall be paid out of the treasury, except in pursuance of an appropriation by law. No appropriation shall be made for the payment of any claim against the state, except claims of the United States and judgments, unless filed within six years after the claim accrued, and was approved March 9, 1876. Now, therefore,

*Resolved by the Senate, the Assembly concurring*, That said proposed amendment be, and the same hereby is, ratified and agreed to.

Approved March 1, 1877.

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## NO. 5.

JOINT RESOLUTION relating to stereotyping plates of geological survey.

*Resolved by the Assembly, the Senate concurring*, That section 4 of chapter 121 of the general laws of 1876, entitled "An act relating to the preparation, publication and distribution of the final report of the geological survey," may be construed so as to include stereotype plates, at the discretion of the commissioners of public printing. The said section reads as follows: "The said commissioners are also hereby empowered to procure, on the best terms they can make, such plates, cuts, engraved stones and other means of representation, as may be necessary to properly illustrate the report, and they are directed to contract for the delivery, after the printing of the report, of such plates, cuts, engraved stones, and other means of illustration, to the state."

Approved March 1, 1877.

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## NO. 6.

JOINT RESOLUTION relating to an appropriation by Congress for the erection of a light-house, and for fog signal, on Stannard's Rock, Lake Superior.

WHEREAS, The Light-house Board deem it necessary to the interests of commerce that a light-house and fog signal shall be erected on Stannard's Rock, Lake Superior, and

WHEREAS, A bill making an appropriation therefor is now pending in Congress, and

WHEREAS, The great and increasing commerce of our lakes demands the prosecution and completion of the work named at an early day, therefore be it

*Resolved by the Senate, the Assembly concurring*, That our senators and representatives be requested to use all honorable means to secure by proper legislation the necessary appropriation for the erection of a light-house and fog signal on Stannard's Rock, Lake Superior.

*Resolved*, That His Excellency, the Governor, be requested upon the passage of the foregoing preamble and resolution, to transmit a copy thereof to each of our senators and representatives in Congress.

Approved March 6, 1877.

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## NO. 7.

JOINT RESOLUTION asking Congress to make an appropriation to construct a light-house at the mouth of the harbor of Menominee.

WHEREAS, Congress has heretofore made appropriations for the improvement of the harbor at Menominee, and under the direction of officers of the United States, one of the best harbors of the lakes has been there established; and

WHEREAS, Said harbor is the only harbor on the west shore of Green Bay, and the commerce of the port of Menominee is very large and is annually increasing; and

WHEREAS, For want of the proper lights to indicate the mouth of the harbor, a number of vessels have been wrecked while seeking entrance thereto, and a number of lives have been lost; and

WHEREAS, The future safety of the large and growing commerce of the port of Menominee, and of a large portion of the lake commerce of other ports, and the safety of the lives of the men engaged in such commerce, require the establishment of a permanent light-house, and such other signals as the Light-house Board may determine, to be located at the mouth of the harbor of Menominee; therefore, be it

*Resolved by the Senate and Assembly of the State of Wisconsin*, That our senators and representatives in Congress be requested to use their best endeavors to obtain the necessary appropriation of money for the construction of such light-house and signals, and the maintenance thereof, under the direction of the Light-house Board.

*Resolved*, That the Governor be, and he is hereby, requested to transmit a copy of the foregoing preamble and resolution to each of our senators and representatives in Congress.

Approved March 7, 1877.

## NO. 8.

**JOINT RESOLUTION instructing Superintendent of Public Property to sell stationery to employes.**

*Resolved by the Senate, the Assembly concurring*, That the Superintendent of Public Property be, and is hereby, instructed to sell to each of the employes of this legislature, stationery to the amount of five dollars, at the cost price paid by the state.

Approved March 8, 1877.

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## No. 9.

**JOINT RESOLUTION directing the governor to place to the credit of his contingent fund certain moneys.**

*Resolved by the Assembly, the Senate concurring*, That his Excellency, the Governor, be, and he is hereby requested to place to the credit of his contingent fund any moneys which may be paid to him by the board of centennial managers, and to pay out of his contingent fund the remaining unpaid bills of said board.

Approved March 8, 1877.

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## No. 10.

**JOINT RESOLUTION directing the secretary of state to transfer certain moneys to the general fund.**

*Resolved by the Assembly, the Senate concurring*, That the secretary of state be, and he is hereby directed to transfer the amount now to the credit of the centennial commission fund, viz: twelve hundred and ninety-nine 46-100 ($1,299 46-100) dollars, to the credit of the general fund, and to audit no more accounts of the board of centennial managers.

Approved March 8, 1877.

## No. 11.

**JOINT RESOLUTION directing the board of centennial managers to pay over to the governor certain moneys.**

*Resolved by the Assembly, the Senate concurring*, That the board of centennial managers be, and they are hereby directed to pay over to his Excellency, the Governor, any moneys which may come into their hands belonging to the centennial fund, and to present to him any unpaid bills properly chargeable to said fund.

Approved March 8, 1877.

# MEMORIALS TO CONGRESS.

## No. 1.

**MEMORIAL TO CONGRESS for an appropriation to aid in the completion of the Sturgeon Bay and Lake Michigan Ship Canal and harbor, and to extend the time for the completion thereof.**

*To the senate and house of representatives of the United States, in congress assembled:*

The memorial of the legislature of the state of Wisconsin respectfully represents: That in the year 1866, congress made a grant of 200,000 acres of land to the state of Wisconsin, to aid in the construction of a ship canal from Sturgeon Bay to Lake Michigan, and to construct a breakwater and harbor at the mouth of such canal in Lake Michigan; that by the terms of said grant, the lands so appropriated could not be used or made available for the commencement of this important work, nor for the prosecution or completion thereof within the time required; that for the purpose of prosecuting said work, the state conferred said grant upon a corporation, created, organized and known as the Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company; that this company has constructed more than one-quarter of said canal, mostly from its own resources and private subscriptions; that said company has exhausted all reasonable efforts to borrow money to prosecute the work, by pledging the entire land grant and canal for security, but owing to the depreciation of said grant, in consequence of the destructive fire of 1871, which destroyed much of the timber thereon, and the unusual terms of the act granting said lands, in authorizing the government of the United States to take possession of said canal when completed, the company has been unable to raise means to prosecute the work. Your memorialists therefore ask that congress appropriate the sum of one hundred thousand dollars to aid in the completion of said canal and harbor, and that the time for completing the same be extended three years from the first day of July next.

Approved February 6, 1877.

## No. 2.

**MEMORIAL TO CONGRESS for the extension of a mail route from the town of Stettin, in Marathon county, Wisconsin, to the town of Rib Falls, in said county.**

*To the honorable, the senate and house of representatives in congress assembled:*

The memorial of the legislature of the state of Wisconsin, respectfully represents: That the interest and convenience of a large and rapidly increasing number of the inhabitants of Marathon county, in the state of Wisconsin, requires the extension of the mail route now existing from Wausau to the town of Stettin, such extension to commence at Stettin and end at Rib Falls, in the town of Rib Falls, in Marathon county, Wisconsin. And your memorialists would respectfully ask that said extension, with weekly service thereon, be ordered and established at the earliest practicable period.

Approved February 23, 1877.

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## No. 3.

**MEMORIAL TO CONGRESS for the establishment of a mail route from Barron, the county seat of Barron county, Wisconsin, to the village of Sand Creek, in Dunn county, Wisconsin, via Mooney's Mills, Sylvan springs and Sioux Creek.**

*To the honorable, the senate and house of representatives, in congress assembled:*

The memorial of the legislature of the state of Wisconsin, respectfully reprsents: That the in erest of a large and rapidly increasing number of the inhabitants of Barron county, in the state of Wisconsin, require the establishment of a semi-weekly mail route from the village of Barron, the county seat of Barron county, via Mooney's Mill, Sylvan Springs and Sioux Creek, to the village of Sand Creek, in Dunn county, Wisconsin. And your memorialist therefore respectfully asks that such mail service be establisned at the earliest practicable period, and that a postoffice be established on said route at Sioux Creek, under the name of Sioux Creek.

Approved February 23, 1877.

## No. 4.

**MEMORIAL TO CONGRESS for the enactment of laws for the improvement of the condition of the Oneida Tribe of Indians located on the reservation in the counties of Brown and Outagamie, and in the interest of civilization and humanity.**

*To the honorable, the senate and house of representatives, in congress assembled:*

The memorial of the legislature of the state of Wisconsin respectfully represents:

That in the counties of Brown and Outagamie, in this state, there are about 1,337 Indians of the Oneida tribe located on a reservation of about sixty-five thousand acres of land.

That the said Indians are in a deplorable condition, without the necessaries of life, and, under the present policy of the government, without ambition or stimulus for exertion and improvement, and are retrograding in civilization and capacity for self-maintenance.

That in the opinion of your memoralists, the true interests of humanity and civilization dictate that a radical change should be made in the government, condition and prospects of the said Indians, who are themselves anxious and eager that a different policy should be adopted in their behalf.

Therefore, in the interest of the said tribe of Indians, and for their elevation, improvement and civilization, your memoralists respectfully ask that a law, or laws, may be passed by your honorable bodies as follows:

First. Providing for the allotment to each head of a family, and to each of such other Indians in said tribe as shall be deemed best, land in said reservation to an amount not exceeding eighty acres; and for the sale of the balance of the land in said reservation which shall remain after such allotment; and for the permanent investment of the proceeds of such sale for the benefit of said tribe.

Second. Providing that all real estate so alloted to any of the said tribe of Indians, shall not be alienated by the owner thereof, and that with this exception all civil and criminal laws of the state shall apply to the members of the said tribe of Indians, except such laws as would permit them to vote and to hold office.

Third. Providing for a commission which shall determine, from time to time, what members, if any, of the said tribe are of sufficient intelligence and character to merit the right to vote, and to hold office, and conferring such right upon any such members of the said tribe as may be adjudged by such commission to be worthy and qualified for it.

*Resolved by the Assembly, the Senate concurring,* That the gov-

ernor of this state is hereby respectfully requested to transmit a copy of this memorial to each of our senators and representatives in congress from this state.

Approved February 23, 1877.

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## No. 5.

**MEMORIAL TO CONGRESS for the extension of a mail route form the town of Berlin, in Marathon county, Wisconsin, to the town of Hamburg, in said county.**

*To the honorable, the senate and house of representatives, in congress assembled:*

The memorial of the legislature of the state of Wisconsin respectfully represent: That the interest and convenience of a large and rapidly increasing number of the inhabitants of Marathon county, in the state of Wisconsin, require the extension of the route now existing from Wausau to the town of Berlin, such extension to commence at Berlin and end at the house of Friedrich Sellin, in the town of Hamburg, in Marathon county, Wisconsin; and your memorialists would respectfully ask that said extension, with weekly service thereon, be ordered and established at the earliest practicable period.

Approved February 24, 1877.

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## No. 6.

**MEMORIAL TO CONGRESS for increased mail service in the northern portion of Sauk county.**

*To the honorable, the senate and house of representatives of the United States, in congress assembled:*

Your memorialists, the legislature of Wisconsin, represent as follows: That the interest of the inhabitants and business men of the northern portion of Sauk county, Wisconsin, requires an increase in the mail facilities there, and an increased mail service is asked, to wit: That a mail route be established from Baraboo, Sauk county, via Delton to Kilbourn City, Columbia county, and daily mail service ordered thereon. And your memorialists would respectfully ask that said mail service be established as aforesaid, at the earliest possible period.

Approved February 28, 1877.

## No. 7.

**MEMORIAL TO CONGRESS for an appropriation to aid in a survey of the St. Croix river, Wisconsin.**

*To the honorable the senate and house of repeesentatives of the United States in congress assembled:*

WHEREAS, The St. Croix and St. Louis rivers form a portion of the boundaries between the states of Wisconsin and Minnesota, and

WHEREAS, These rivers not being wholly in either of said states, have been overlooked by our senators and representatives in congress, no appropriations having been made by congress, consequently there has been no legal survey or examination to prove the feasibility of connecting these waters by canal; and

WHEREAS, The navigable waters of the St. Croix are one hundred miles nearer to the Bay of Superior, at the west end of Lake Superior, than that of any other river in Wisconsin or Minnesota; and

WHEREAS, The proximity of the navigable waters of the St. Croix to the Bay of Superior is such as to render it feasible, and only a question of time when said waters will be connected by a canal; and

WHEREAS, The great wheat growing region of Wisconsin, Minnesota and Dakota demand outlets or water communication to the great lakes, this is deemed an important undertaking; and

WHEREAS, The benefits which the government would derive from the improvement thus contemplated, in shortening the distance for transportation of government troops, and supplies from the northwestern states, via Lake Superior, St. Marie's river and Lake Michigan, more than six hundred miles, thus saving an enormous annual expenditure to the government, which would soon far exceed the amount required to connect the said waters by canal. Therefore, be it

*Resolved by the senate, the assembly concurring*, That our senators and representatives in congress are hereby requested to use their best endeavors to obtain a preliminary survey of said projected route; and

*Resolved*, That the secretary of state forward certified copies of these resolutions to each of our senators and representatives in congress.

Approved February 28, 1877.

## No. 8.

**MEMORIAL TO CONGRESS for right of way and a grant of land for railroad purposes, to aid in building a road through northern Wisconsin.**

*To the senate and house of representatives of the United States, in congress assembled:*

Your memorialists, the legislature of the state of Wisconsin, respectfully represent, that the rapidly increasing settlements of the Northwest, the surplus agricultural products and material developments, demand greater and cheaper facilities than now exist, and a more direct transit to the Atlantic seaboard and European ports, and eastern products transported to the Northwest.

That the saving in the distance to eastern markets of three hundred miles, by a railroad route from St. Paul by way of the St. Croix valley, to St. Croix Falls and Clam Falls, Wisconsin, to Sault St. Marie, will tend to more fully develope the great wheat growing regions of Wisconsin, Minnesota, Dakotah, Huron and Montana. The surplus of wheat forms one of the most reliable exports from our country; by shortening the distance to European markets three hundred miles, we give encouragement to the producers of this great source of wealth, who deserve aid and protection. The nearest transit makes cheap transportation, and therefore helps to develope the country and increase its prosperity. That by reason of the facts set forth in this memorial, and further this object, we ask congress to donate land to aid, and the right of way through government land, to build a railroad from the city of St. Paul, in Minnesota, to the Falls of Sault St. Marie, where it will connect with railroad enterprise aided, fostered and built by the Dominion government. Your memorialists, therefore, earnestly request that the matters aforesaid may receive the early and favorable consideration of congress.

Approved March 1, 1877.

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## No. 9.

**MEMORIAL TO CONGRESS for increased mail facilities in the western portion of Oconto county.**

*To the honorable the senate and house of representatives of the United States, in congress assembled:*

Your memorialists, the legislature of the state of Wisconsin, represent as follows: That the interest of the inhabitants and busi-

ness men of the western part of Oconto county, Wisconsin, also the many lumbering men who reside elsewhere, but do business in said part of Oconto county, requires an increase in the mail facilities there, and an increased mail service is therefore asked, to wit:

That a mail route be established from Keshena, Shawano county, to Langlade, Oconto county, and mail service twice a week ordered thereon; also that a post office be established at Frydenlund, Oconto county, in town 35, range 12 east, and a weekly mail service be ordered between Langlade and said Frydenlund.

And your memorialists would respectfully ask that said mail service and post office be established as above said, at the earliest possible period.

Approved March 1, 1877.

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## No. 10.

**MEMORIAL TO CONGRESS for mail service from Eau Claire to Rice Lake, in Barron county.**

*To the honorable, the senate and house of representatives of the United States, in congress assembled:*

The memorial of the legislature of the state of Wisconsin, respectfully represents that the interest and convenience of a large and increasing population of Dunn and Barron counties, require the establishment of a tri-weekly mail from Eau Claire, *via* Land Creek, in Dunn county, to Cheteck and Rice Lake, in Barron county. Your memorialist would therefore respectfully ask that tri-weekly mail service be established on such route at the earliest practicable period.

Approved March 7, 1877.

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## No. 11.

**MEMORIAL TO CONGRESS for the establishment of a mail route from Friendship, in the county of Adams, to Liberty Bluffs, in the county of Marquette.**

*To the honorable, the senate and house of representatives of the United States, in congress assembled:*

The memorial of the legislature of the state of Wisconsin, respectfully represents: That the interest and convenience of a

large number of the people of said counties, and of persons doing business through the mails at the county seat of said Adams county, requires the establishment of a mail route from Friendship, the county seat of said county, to Liberty Bluff, on the Wisconsin Central railroad. Your memorialists respectfully ask that said mail route be established at the earliest practicable period.

Approved March 7, 1877.

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## No. 12.

**MEMORIAL TO CONGRESS to provide fish-ways to the dams on Fox river.**

*The memorial of the senate and assembly of the state of Wisconsin to the congress of the United States of America, respectfully represents:*

That by the construction of the government dams upon the Fox river of Wisconsin, the fish of the great lakes cannot pass up the said river above De Pere, six miles from the mouth of said river, and the fish usually found in said stream and its tributaries are rapidly disappearing, to the detriment of a very large population. Your memorialists do therefore most respectfully ask your honorable body by suitable legislation to authorize and direct the construction of a fish-way, to each such dam, under the direction of the bureau of the United States topographical engineers.

Approved March 7, 1877.

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## No. 13.

**MEMORIAL TO CONGRESS for a survey of Wolf river, from Lake Poygan to the mouth of Red river.**

*To the honorable, the senate and house of representatives of the United States, in congress assembled:*

Your memorialists, the legislature of Wisconsin, represent as follows: That the interests of the inhabitants and business men of the state of Wisconsin, and more particularly those doing business on the Wolf river and its tributaries, require and need a survey of Wolf river, from Lake Poygan in Winnebago county, to the mouth of Red river, in Shawano county. Your memorialists would respectfully ask that said survey be made at the earliest possible period.

STATE OF WISCONSIN, }
SECRETARY'S OFFICE. } ss.

I, Peter Doyle, Secretary of the State of Wisconsin, hereby certify that the laws, joint resolutions and memorials published in this book have been compared with the originals deposited in this office, and that they appear to be correctly printed.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the state, at the capitol, in Madison, this [L. S.] first day of May, A. D. 1877.

PETER DOYLE,
*Secretary of State.*

# STATEMENT

SHOWING THE

# TIMES AND PLACES FOR HOLDING CIRCUIT COURTS

OF THE

## SEVERAL COUNTIES OF THIS STATE.

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*Prepared by the Secretary of State, in accordance with chapter* 145, *G. L. of* 1869.

| Counties. | Terms. | Where held. | Laws. |
|---|---|---|---|
| | FIRST CIRCUIT. | | |
| Walworth..... | 2d Monday in September...<br>2d Monday in February....<br>2d Monday in June..... | Elkhorn..... | Ch. 164 G. L. 1877. |
| Racine..... | 2d Monday in October.....<br>2d Monday in March.....<br>3d Monday in June..... | Racine. ..... | Ch. 18, G. L. 1869. |
| Kenosha..... | Wednesday after 2d Monday in April..... ...<br>Wednesday after 3d Monday in November.....<br>1st Monday in August..... | Kenosha..... | Ch. 70, G. L. 1877. |
| | SECOND CIRCUIT* | | |
| Milwaukee ..... | 2d Monday in January. ....<br>1st Monday in May.....<br>4th Monday in June [without jury.].....<br>1st Monday in October..... | Milwaukee ..... | Ch. 22, L 1871. |
| Waukesha..... | 3d Monday in March.....<br>1st Monday in December...<br>2d Monday in June, [Law Term.]..... | Waukesha..... | Ch. 248, P & L. 1866. |

*Section 1 of chapter 106, general laws of 1872, provides that the general terms in each o the counties in this circuit be special terms for the whole circuit.

| Counties. | Terms. | Where held. | Laws. |
|---|---|---|---|
| | THIRD CIRCUIT. | | |
| Green Lake..... | 2d Monday in January.....<br>1st Monday in June..... | Dartford ..... | Ch. 24, G. L. 1871. |
| Dodge ..... | 2d Monday in October.....<br>4th Monday in February ... | Juneau ..... | Ch. 24, G. L. 1871, & Ch. 22, G.L.'72. |
| Washington .... | 3d Monday in March .....<br>2d Monday in November .. | West Bend .... | Ch. 24, G. L. 1871. |
| Ozaukee ..... | Tuesday after 4th Monday of January .....<br>Tuesday next after 3d Monday in June ..... | Port Washingt'n | Ch. 24, G. L. 1871. |
| Winnebago .... | Tuesday next after 2d Monday of April .....<br>Tuesday after 1st Monday of September.....<br>Tuesday next after 4th Monday of November..... | Oshkosh .. ... | Ch. 230, L. 1877. |
| | FOURTH CIRCUIT. | | |
| Sheboygan ..... | 1st Monday in October*....<br>1st Monday in April* ..... | Sheboygan .... | Ch. 84, L. 1876. |
| Calumet..... | 2d Monday in December...<br>3d Monday in May ..... | Chilton ..... | Ch. 84, L. 1876. |
| Kewaunee ..... | 3d Monday in October.....<br>4th Monday in April ..... | Kewaunee .... | Ch. 84, L. 1876. |
| Fond du Lac ... | 2d Monday in November* .<br>1st Monday in March* .....<br>4th Monday in June*.....<br>Special term 2d Monday in February*..... | Fond du Lac .. | Ch 84, L. 1876. |
| Manitowoc ..... | 2d Monday in January† ..<br>1st Monday in June†..... | Manitowoc .... | Ch. 84, L. 1876. |
| | FIFTH CIRCUIT. | | |
| Grant ..... | 1st Tuesday in February ...<br>2d Tuesday in September .. | Lancaster ..... | Ch. 398, L. 1876. |
| Iowa ..... | 4th Tuesday in March.....<br>1st Tuesday in October .... | Dodgeville .... | Ch. 398, L. 1876. |
| La Fayette ..... | 4th Tuesday in June.....<br>1st Tuesday in December... | Darlington .... | Ch. 398, L. 1876. |
| Richland .. . | 2d Tuesday in April .....<br>4th Tuesday in October .... | Richland Cent'r | Ch. 398, L. 1876. |

* Special term for whole circuit. † Special term for Kewaunee County.

| Counties. | Terms. | Where held. | Laws. |
|---|---|---|---|
| | FIFTH CIRCUIT—continued. | | |
| Crawford..... | 4th Tuesday in May.....<br>2d Tuesday in November... | Pr. du Chien... | Ch. 398, L. 1876. |
| | SIXTH CIRCUIT. | | |
| Clark ..... | 3d Monday in April.....<br>3d Monday in October ..... | Neillsville..... | Ch. 1, Laws 1877. |
| Jackson..... | 2d Monday in March*.....<br>2d Monday in September *.. | Bl'k Riv. Falls. | Ch. 1, Laws 1877. |
| Monroe ..... | 1st Monday in June*.....<br>1st Monday in December*.. | Sparta ..... | Ch. 1, Laws 1877. |
| La Crosse..... | 2d Monday in May*.....<br>2d Monday in November*.. | La Crosse ..... | Ch. 1, Laws 1877. |
| Vernon..... | 4th Monday in March.....<br>1st Monday in October..... | Viroqua..... | Ch. 1, Laws 1877. |
| | SEVENTH CIRCUIT. | | |
| Portage ..... | 1st Tuesday in March.....<br>2d Tuesday in November .. | Stevens Point.. | Ch. 32 & 120, Laws 1877. |
| Marathon ..... | 2d Tuesday in April.....<br>1st Tuesday in October..... | Wausau ..... | Ch. 120, L. 1877. |
| Waupaca..... | 4th Tuesday in May.....<br>2d Tuesday in January .... | Waupaca..... | Ch. 120, L. 1877. |
| Wood ..... | 2d Tuesday in May .....<br>1st Tuesday in December... | Grand Rapids . | Ch. 120, L. 1877. |
| Waushara ..... | 4th Tuesday in March.....<br>3d Tuesday in September .. | Wautoma..... | Ch. 120, L. 1877. |
| Lincoln ..... | 3d Tuesday in February...<br>4th Tuesday in August..... | Jenny..... | Ch. 120, L. 1877. |
| Taylor ..... | 1st Tuesday in February ...<br>1st Tuesday in September .. | Medford..... | Ch. 120, L. 1877. |
| | EIGHTH CIRCUIT. | | |
| Dunn ..... | 2d Monday in March.....<br>2d Monday in September... | Menomonie ... | Ch. 120, L. 1874. |
| Pepin..... | 3d Monday in April.....<br>3d Monday in October ..... | Durand ..... | Ch. 120, L. 1874. |
| Pierce ..... | 4th Monday in May.....<br>4th Monday in November .. | Ellsworth ..... | Ch. 116, R. S. |
| St. Croix †..... | 2d Monday in May.....<br>2d Monday in November... | Hudson..... | Ch. 116, R. S. |

* Special term for whole circuit.

† Chapter 254, laws of 1874, authorizes the circuit judge of the Eighth judicial circuit, to alter the time or holding terms in the county of St. Croix, by publishing a notice of such change for sixty days before such order is to take effect.

| Counties. | Terms. | Where held. | Laws. |
|---|---|---|---|
| | NINTH CIRCUIT. | | |
| Adams | 3d Tuesday in January<br>2d Tuesday in June | Friendship | Ch. 120, L. 1877. |
| Columbia | 2d Tuesday of May*<br>2d Tuesday of December*. | Portage | Ch. 120, L. 1877. |
| Dane | Monday after 1st Tuesday in April*<br>2d Monday in November*<br>2d Tuesday in July* (not a jury term) | Madison | Ch. 120, L. 1877. |
| Juneau | 2d Tuesday in March<br>3d Tuesday in October | Mauston | Ch. 120, L. 1877. |
| Sauk | 4th Monday in September<br>3d Monday in March | Baraboo | Ch. 120, L. 1877. |
| Marquette | Tuesday after 1st Monday in January<br>1st Tuesday in June | Montello | Ch. 120, L. 1877. |
| | TENTH CIRCUIT. | | |
| Outagamie | 1st Monday in June*<br>2d Monday in November* | Appleton | Ch. 33, G. L. 1875. |
| Oconto | 2d Monday in April*<br>3d Monday in October* | Oconto | Ch. 33, L. 1875. |
| Shawano | 1st Tuesday after the 4th Monday in June<br>1st Tuesday after 2d Monday in January | Shawano | Ch. 33, L. 1875. |
| Door | 1st Tuesday after 3d Monday in February<br>1st Tuesday after 3d Monday in July | Sturgeon Bay | Ch. 33, L. 1875. |
| Brown | 1st Monday in March*<br>1st Monday in September*<br>Special term for whole circuit, 4th Monday in Jan. | Green Bay | Ch. 33, L. 1875. |

* Special term for the whole circuit.

| Counties. | Terms. | Where held. | Laws. |
|---|---|---|---|
| | ELEVENTH CIRCUIT. | | |
| Ashland | 2d Tuesday in January<br>4th Monday in July | Ashland | Ch. 17, L. 1877. |
| Barron | 1st Tuesday in March<br>1st Tuesday in September | Barron | Ch. 17, L. 1877. |
| Bayfield | 3d Monday in January<br>3d Monday in July | Bayfield | Ch. 17, L. 1877. |
| Burnett | 2d Tuesday in February<br>2d Tuesday in August | Grantsburg | Ch. 17, L. 1877. |
| Chippewa | 1st Monday in June*<br>1st Monday in December* | Chip'wa Falls | Ch. 17, L. 1877. |
| Douglas | 1st Tuesday in February<br>2d Tuesday in July | Superior | Ch. 17, L. 1877. |
| Polk | 3d Monday in March*<br>3d Monday in September* | Osceola Mills | Ch. 17, L. 1877. |
| | TWELFTH CIRCUIT. | | |
| Rock | 4th Monday in April<br>4th Monday in January<br>Wednesday next succeeding 1st Monday in November | Janesville | Ch. 143, L. 1875. |
| Green | 1st Tuesday in March<br>3d Tuesday in June<br>1st Tuesday in October | Monroe | Ch. 143, L. 1875. |
| Jefferson | 1st Monday in February<br>2d Tuesday in June<br>1st Monday in September | Jefferson | Ch. 143, L. 1875. |
| | THIRTEENTH CIRCUIT. | | |
| Buffalo | 3d Tuesday in May<br>3d Tuesday in November | Alma | Ch. 9, L. 1877. |
| Eau Claire | 4th Tuesday in March*<br>4th Tuesday in September*<br>2d Tuesday in January, special term for circuit | Eau Claire | Ch. 9, L. 1877. |
| Trempealeau | 1st Tuesday in June*<br>1st Tuesday in December* | Galesville | Ch. 9, L. 1877. |

* Special term for whole circuit.

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